support every possible effort for self-determination for these valiant lands and people, who live under Communist aggression. If we join together and actively reaffirm this commitment, we will be able to maintain the fires of hope and spirit which will insure a brighter future for all persons who live under the shadows of intimidation.

THADDEUS KOSCIUSZKO—A WORTHY EXAMPLE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MINISH. Mr. Speaker, on the 224th anniversary of Thaddeus Kosciuszko's birth, it is most fitting that we remember this great Polish patriot. Kosciuszko was born on February 12, 1746, in the Polish village of Mereczowszczyzna. After being exiled from his native land for his valor and fortitude in behalf of his countrymen, he came to the United States.

Kosciuszko offered to fight for the American cause in the Revolutionary War, and was appointed the colonel of engineers. His engineering skill in erecting the fortifications at West Point was memorable, and he is noted for having recommended the present location of the U.S. Military Academy. At West Point Academy today there is a commemorative statue in Kosciuszko's honor, inscribed to a "hero of two worlds." This talented young man also published the first effective system for the organization of the American artillery. He was friendly with such American notables as George Washington and Thomas Jefferson.

After the Revolutionary cause was won Kosciuszko was awarded a pension with land in Ohio, received American citizenship and the rank of brigadier general from the Continental Congress. He later returned to his native Poland, where he was captured and imprisoned in Russia for his involvement with the Polish insurrection of 1794. He was freed after the death of Catherine the Great.

Kosciuszko died in Switzerland in 1817, whereupon his body was laid to rest among Poland's outstanding men in Wawel Cathedral in Krakow.

His strict adherence to high principle makes him a worthy hero in the true sense; a man honored after death because of exceptional service to mankind. He set a worthy example.

SENATE—*Tuesday, February 17, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the source of our being and the goal of all our striving, as we assemble to seek Thee afresh may all our doubts be banished. In this hushed moment may we find Thee moving upon the higher ranges of our minds, intruding upon our noblest thoughts, moving in the depths of our inmost being, satisfying the hunger for the truth which sets us free and gives us power. Behind the tangle of human affairs, beyond our clouded vision, and despite our groping ways may we behold some mighty purpose at work in our times and beyond. Work Thy holy will in us and through us, O God, our life, our hope, and our strength.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C, February 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 16, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 694.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJUSTMENTS IN FOREIGN SERVICE RETIREMENT SYSTEM

The bill (H.R. 14789) to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the foreign service retirement and disability system, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

The bill (S. 3274) to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Code, is amended by adding:

"Chapter 2.—CONVENTION ON RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

"Sec.

"201. Enforcement of Convention.

"202. Agreement or award falling under the Convention.

"203. Jurisdiction; amount in controversy.

"204. Venue.

"205. Removal of cases from State courts.

"206. Order to compel arbitration; appointment of arbitrators.

"207. Award of arbitrators; confirmation; jurisdiction; proceeding.

"208. Chapter 1; residual application.

"§ 201. ENFORCEMENT OF CONVENTION

"The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

"§ 202. AGREEMENT OR AWARD FALLING UNDER THE CONVENTION

"An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad, or has some other reasonable relation with one or more foreign states. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

"§ 203. JURISDICTION; AMOUNT IN CONTROVERSY

"An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

"§ 204. VENUE

"An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

"§ 205. REMOVAL OF CASES FROM STATE COURTS

"Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

"§ 206. ORDER TO COMPEL ARBITRATION; APPOINTMENT OF ARBITRATORS

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

"§ 207. AWARD OF ARBITRATOR; CONFIRMATION; JURISDICTION; PROCEEDING

"Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

"§ 208. CHAPTER 1; RESIDUAL APPLICATION

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent that chapter is not in conflict with this chapter or the Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by inserting at the beginning:

"Chapter	Sec.
1. General provisions	1
2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards	201"

SEC. 3. Sections 1 through 14 of title 9, United States Code, are designated "Chapter 1" and the following heading is added immediately preceding the analysis of sections 1 through 14:

"CHAPTER 1.—GENERAL PROVISIONS"

SEC. 4. This Act shall be effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States.

INTERNATIONAL PETROLEUM EXPOSITION

The joint resolution (S.J. Res. 127) authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and foreign nations to participate in the International Petroleum Exposition, to be held at Tulsa, Oklahoma, from May 15, 1971, through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas, and bringing together buyers and sellers for promotion of foreign and domestic trade and commerce in such products.

CLEAN WATERS FOR AMERICA WEEK

The joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 172

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to emphasize the need for a continuous program for the control and elimination of water pollution and related problems, and to call the attention of the American people to such need, the President is authorized and requested to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PRESIDENT NIXON'S ENVIRONMENTAL MESSAGE

Mr. MOSS. Mr. President, in his environmental message to Congress, President Nixon left the impression, perhaps unintentionally, that he was advocating a bold, innovative program in a field where little had been done.

This, of course, is not exactly true, as those of us who have been sponsoring and working for environmental quality bills for many years well know. But there is still much to be done, and we appreciate the recognition by the President of the urgency of the environmental crisis, and we welcome the leadership he offers from the spotlighted platform of the White House—leadership which we hope can and will inspire a rescue mission for this Nation.

In this respect, we applaud the staking of the Presidential claim to the environmental issue and we will, of course, give careful attention to the drafts of legislation he has sent to us.

But it must be pointed out that there are already on the books a solid brickwork of laws needed to clean up the environment, and that the President can make a very substantial contribution to pollution and environmental control by assuring that the programs already established are adequately financed and strictly enforced.

This point was very well made in an editorial which appeared in the Washington Post on February 11, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT: CLEAN UP OR PATCH UP?

In his detailed message yesterday on the environment, President Nixon has taken the country a long way from the famous statement of Rep. Joe Cannon in the early part of this century when a conservation bill came before Congress: "Not a cent for scenery." The country clearly sees that not only is considerably more than a cent now needed for scenery, but that billions are now needed for survival. Our land, air, water and food are so poisoned that no longer is progress our most important product, no longer is better living to be found through chemistry, no longer are the skies friendly, no longer are lead fuel cars the mark of excellence.

The President's message is a 37-point program, with 23 major legislative proposals and 14 new measures by Executive Order or administrative action. Five categories are covered: water pollution, air pollution, solid waste management, parklands and public recreation, organizing for action.

The unintended illusion created by the President's message is that he is venturing into uncharted seas. But in only the last few years Congress has put on the books enough legislation to presumably clean a dozen befouled societies: the Water Resources Act of 1964, the Water Resoruces Planning Act of 1965, the Highway Beautification Act of 1965, the Clean Air Act of 1965, the Air Quality Act of 1967, the Clean Water Restoration Act of 1966, the Solid Wastes Act of 1965, to name a few. It's impressive enough to induce a man to go swimming in the Potomac and sunbathing atop his apartment house—until he learns that Washington's once-pure river is a septic tank lined with 14 feet of sewage sludge and the air in Washington is so befouled that he will get a sootbath, long before he gets a sunbath.

What was mainly lacking in all these acts and laws was strict enforcement, and Mr. Nixon seems aware of this. In the section on water pollution, for example he says that industrial and municipal violators will be severely fined by the courts if they fail to meet the new standards. This is strong language. But sadly it is also old language; the government likes to boast that it is like a mad bulldog in protecting the public through such agencies as the Food and Drug Administration, the Federal Trade Commission, the Office of Consumer Affairs. But as many industries and their loopholing lobbyists well know, and the public well suffers, the standards are often jokingly weak and the enforcement is pitifully lax. Even in his message yesterday, the President trapped himself; he said, "we have taken action to phase out the use of DDT and other hard pesticides." What wasn't said is that many of the major manufacturers of DDT have filed suit against the Agriculture Department to halt this phaseout. Thus, while the suit makes its slow way through the appeals court, the DDT manufacturers slip away through one more loophole.

Because he is the President, Mr. Nixon has the right to put in his message and under his name many ideas that have been floated around, hashed out and dreamed of for years by others. The notion of municipal bonds to cities for waste treatment is not new, but the expected impact the proposed Environment Financing Authority will have as it buys bonds from local communities will be new. As expected, the President wants new emission standards for automobiles, the lead out of gasoline and work to start on non-polluting cars. All this is good and we should have a national holiday when it happens. But meanwhile, the President said nothing on how to protect our lungs from the some 70 million smoke wagons currently on the road. He could have discussed, for example, the notion of free public transportation so cities would not be jammed every day with commuters' cars and the resulting fumes and fury. Or the idea of a tax

on cars commensurate with how much pollution is caused in a year's time, or how much fossil fuel it wastes. The implication is that we are helpless and must wait three, five or ten years for real relief.

In dealing with solid waste management, Mr. Nixon rightly urges re-using and recycling many of the items we now use once and discard. He proposes a "bounty payment" to promote the prompt scrapping of all junk cars, instead of abandoning them on side streets and country roads. The new Council on Environmental Quality is called on to devise incentives and laws for recycling. One project the Council can get started on today is the problem of one-way, no-return bottles. The Glass Container Manufacturers Institute and its ad agency, Benton & Bowles, are currently—and brazenly—on a $7.5 million campaign to promote among teenagers use of no-return soft drink bottles. No return is right—no return from the enormous mess and the cost of hauling off the bottles to who knows where.

Mr. Nixon was forward-minded in proposing ideas and legislation for parks and public recreation. Unless the federal government—the nation's largest landholder—reexamines the way it is using currently owned property and wards off commercialists from grabbing up what open spaces are left, then the public will have even fewer places to go than now for enjoyment of what Thoreau called "the wild places."

The deep horror concerning the environment is not that we have ravaged and poisoned our section of the planet—but that we live with the horror so calmly. Great stories of man's courage in the midst of cruelty and chaos have been told since the time of Moses; but the courage was in the resistance. Today America is under siege from its own waste, blind technology and arrogant abuse of Nature; instead of resisting these horrors, we have adjusted—like mule-beasts with a heavier and heavier load.

By now, the public is not so naive as to think a presidential message is the final word in a matter like this. Congress will now have its say on Mr. Nixon's proposals. The great fear among those who do not take survival for granted is that the environment will now become just one more political hassle, making pollution literally a black comedy, an ecologic parody of Sartre's "No Exit." To keep the politicians from stalling to keep them from wasting money on military nonsense and to apply it to the environment, to get them to see pollution not as a "social problem" but as a survival problem—that is the challenge the public must now take up. Not with calmness, but with democratic outrage.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, it is so ordered.

DULLES INTERNATIONAL AIRPORT COMPLETES ITS FIRST 2-MILLION-PASSENGER YEAR

Mr. BYRD of Virginia. Mr. President, Dulles International Airport has completed its first 2-million-passenger year. A new report from the Federal Aviation Administration shows that in 1969, Dulles handled 2,176,202 passengers.

That is an important landmark—or perhaps one should say airmark. The figure for 1969 represents an increase of 22.7 percent in passenger volume over 1968, and it means that Dulles, at long last, is beginning to come of age.

Other figures compiled by the FAA for Dulles also are encouraging. Air Carrier operations were up 7.7 percent in 1969; general aviation was up 17.8 percent; and air cargo was up 13.5 percent.

Clearly, acceptance and use of this magnificent airport are gaining.

At the same time, however, Dulles has a long road to travel before it reaches full partnership in the air terminal complex around Washington.

FAA figures show that while Dulles was handling its 2 million passengers, Washington National Airport served more than 10 million. The gross imbalance between these facilities remains, despite the growth of Dulles.

Washington National was designed to accommodate only 4 million passengers. It is obviously overcrowded. At the same time, Dulles is operating well below capacity.

Furthermore, analysis of the FAA figures shows that National is still growing. In terms of passengers, the growth was not impressive—only a 2.8 percent gain in passenger volume.

But percentages do not tell the whole story. In hard numbers, National gained 342,000 in passenger traffic while Dulles gained 413,000.

Thus, it can be seen that 45 percent—nearly half—of the increase in passenger traffic at the two airports took place at National.

This is not the pattern that we need for balanced development. Air traffic growth should be focused at Dulles, if that $110 million facility is to reach its potential and if the enormous congestion at National is to be relieved.

The ground transportation facilities—road and rail—needed to improve Dulles access should be hastened. At the same time, there should be an active effort to divert some of the National overload to the newer airport.

After all, a major reason for building Dulles was to provide a means of relieving overcrowding at National. With National handling more than twice its designed capacity, the need for prompt action is clear.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (Rept. No. 91–706).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 3445. A bill to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

S. 3446. A bill to authorize the disposal of refractory grade chromite, from the national stockpile and the supplemental stockpile;

S. 3447. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 3448. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

S. 3449. A bill to authorize the disposal of mercury from the national stockpile and the supplemental stockpile;

S. 3450. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 3451. A bill to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

S. 3452. A bill to authorize the disposal of molybdenum from the national stockpile;

S. 3453. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

S. 3454. A bill to authorize the disposal of magnesium from the national stockpile;

S. 3455. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 3456. A bill to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

S. 3457. A bill to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. TYDINGS:

S. 3458. A bill for the relief of Miss Julita Santos; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. ANDERSON, and Mr. FULBRIGHT):

S. 3459. A bill to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. TYDINGS (for himself, Mr. BROOKE, Mr. DODD, Mr. GRAVEL, Mr. HATFIELD, Mr. INOUYE, Mr. MCINTYRE, Mr. NELSON, Mr. PACKWOOD, Mr. WILLIAMS of New Jersey, and Mr. PERCY):

S. 3460. A bill to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs; to the Committee on Commerce.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 3461. A bill for the relief of Dr. Amado G. Chanco, Jr.; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3462. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians; to the Committee on Post Office and Civil Service.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE:

S. 3463. A bill to amend the Automobile

Information Disclosure Act to make its provisions applicable to the possessions of the United States; to the Committee on Commerce.

(The remarks of Mr. INOUYE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3460—INTRODUCTION OF THE COASTAL ZONE MANAGEMENT ACT OF 1970

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill designed to provide Federal grants to designated State coastal zone authorities which develop and implement master plans for the State's coastal zone resource. To finance the grants the bill establishes a special marine resources fund. Beginning in fiscal year 1971, the fund will receive annually revenues up to $125 million from the oil and gas leases of the Outer Continental Shelf.

Entitled "The Coastal Zone Management Act of 1970," the legislation, if enacted, would establish a national policy for the coastal zone, encourage a systematic approach to coastal zone planning and development, and assist the States in establishing coastal zone management programs.

The bill is based upon the recommendations of the prestigious report of the Commission on Marine Science, Engineering, and Resources as well as the Interior Department's 3-year comprehensive analysis of the Nation's estuarine systems. Both of these reports call for a Federal grant program to provide State coastal zone planning. As the sponsor of the 1966 bill authorizing the Interior Department's report, I am pleased to introduce legislation that carries out its principal recommendation.

The legislation states that "there is a national interest in the effective management, beneficial use, proper protection, and balanced development" of the coastal zone resource. It finds the coastal zone to be "rich in a variety of natural, commercial, recreational, industrial, and esthetic resources." It declares that the concept of multipurpose use of the resource shall be the guiding principle of planning and development. And while stating that the States have the primary role in coastal zone management yet granting the Federal Government a major role, the legislation declares as policy that governments are "trustees" of the environment and thus have "the responsibility to protect the coastal zone and insure multipurpose use of the resource."

The coastal zone can be defined as the margin where land and water meet and interact. It is not just the sea itself nor the land either, but rather the broad area where they join together and directly influence each other. The coastal zone includes bays, wetlands, harbors, beaches, estuaries, and even parts of the Continental Shelf. In the bill, however, the definition of the coastal zone is a limited one. The landward penetration of the zone cannot exceed 20 miles. It is important to recognize that the coastal zone does extend inland, but it has been difficult to define precisely how far. Most definitions have included the phrase "landward extent of maritime influences" as describing the distance inland the coastal zone extends. But this is too broad a definition. It is too open ended and raises more problems than it solves. The difficulty in defining the coastal zone has been recognized by many people, including those who use the imprecise phrase. My bill attempts to resolve the problem by placing a specific geographic limit upon the inland extent of the coastal zone. The bill limits the distance to 20 miles. The number is not sacred, however. It could be a little more or a little less. What is important is the concept of limiting the inland extent by a specific distance. I believe 20 miles to be a reasonable length.

On January 20, I addressed the Senate at some length on the subject of coastal zones. I discussed their importance and their problems. There is no need now to repeat what I said then. Suffice it to say that as a center of trade, industry, recreation, fish and wildlife the coastal zone is a crucial natural resource that is deteriorating rapidly.

The bill I am introducing today is designed to provide both a policy and program to stop this deterioration.

Under the provisions of the bill the Marine Science Council will make available up to 50 percent of cost grants to State coastal authorities, "designated by the Governor of a coastal State through legislative or other processes," for the development and implementation of coastal zone master plans. Similar grants are also available to cover administrative expenses for the first 3 years of the designated authority's existence.

In order to qualify for funds, the coastal authority's master plan must include policy statements, land use reviews, population projections, and provisions for public participation. The authority itself, moreover, must be given the power to implement the plan. This includes zoning regulations, land acquisition, and borrowing authority. These are, of course, strong powers and the designated authority will be a powerful agency. But only a powerful agency will get the job done. We have had enough plans, master or otherwise, that have gone unfulfilled. If we are to draw up coastal zone master plans, let us implement them as well. It is the conclusion of the Commission on Marine Science, Engineering, and Resources that the coastal zone authority must be given these powers if it is to carry out the master plan. They have therefore been stipulated in the legislation.

The bill also creates advisory committees on coastal zone management. It authorizes estuarine sanctuaries for ecological analysis. It calls for consultations with the State coastal authorities by Federal agencies when the latter undertake development projects within the State's zone. It also extends the life of the Marine Science Council for 5 years.

Mr. President, I wish to emphasize that the type of planning encouraged by this legislation is now an absolute necessity. In the next three decades the population of the United States will increase by 90 million people. Much of this will take place in the coastal zone. Without the master plans envisioned by this legislation, chaos could easily result.

The simple fact is that in the next 30 years we have to duplicate the transportation, dwelling, food producing, communication, and other facilities we now possess. In short, we shall have to build a new America. This bill is a modest effort to begin part of the planning necessary for this herculean task.

Coastal zone management legislation comes within the jurisdiction of the Commerce Committee. This committee has recently established a Special Subcommittee on Oceanography chaired by the distinguished and able junior Senator from South Carolina. As a member of the subcommittee, I look forward to working with him on this legislation and hope that the subcommittee shall be able to report out a bill this summer.

At the present time there is coastal zone legislation pending before the subcommittee. My legislation is based upon this bill but with what I believe to be several significant additions. My bill contains a section on findings of fact as well as a redrafted declaration of policy. It more tightly defines the term "coastal zone" and directs Federal agencies to consult with State coastal authorities when planning activity within the State's coastal zone. It provides for advisory committees to review the Marine Science Council's policies relating to the coastal zone. This is particularly desirable since the Commission on Marine Science, Engineering, and Resources has expired and an out-of-Government input into Federal activity is useful.

The bill also authorizes estuarine sanctuaries, a specific recommendation of the Commission's report. Finally, and perhaps most importantly, my bill makes certain that the grant program is extended to the administration of the designated coastal authorities. This, too, is a specific recommendation of the Commission's report. It is highly desirable in order to insure a steady start for the new and, no doubt, controversial agency.

Mr. President, I am pleased that Senators BROOKE, DODD, GRAVEL, HATFIELD, INOUYE, MCINTYRE, NELSON, PACKWOOD, PERCY, and WILLIAMS of New Jersey have joined in cosponsoring this legislation and I now ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3460), to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as a result of the Report of the Commission on Marine Science, Engineering and Resources carried out pursuant to section 5(a) of the Marine Resources and Engineering Develop-

ment Act of 1966, as amended, and the information derived therefrom, the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources, Engineering, and Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes," approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—PLANNING FOR MULTIPLE USE OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1970'.

"FINDINGS OF FACT

"SEC. 302. The Congress finds—

"(a) That the welfare of American society now demands that manmade laws be extended to regulate the impact of man on the biophysical environment.

"(b) That there is a national interest in the effective management, beneficial use, proper protection, and balanced development of the air, land, and marine resources of the Nation's coastal zone.

"(c) That the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future development of our nation.

"(d) That the increasing and conflicting demands, particularly those occasioned by the rise in population, on the finite resources of the Coastal Zone have resulted in the loss of fish, wildlife and nutrient rich areas, permanent and adverse ecological changes, decreasing open space for public use, and shoreline erosion.

"(e) That the coastal zone, particularly the estuaries and the fish and wildlife therein, is ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

"(f) That present land-use patterns in the more populated coastal areas cannot accommodate the diverse requirements of the coastal zone resource.

"(g) That in light of conflicting demands and the need to protect our coastal zone, the institutional framework responsible is currently diffuse in focus, neglected in importance, and inadequate in regulatory authority.

"(h) That economic development has usually taken precedence over other equally desirable uses of the coastal zone.

"(i) That the key to more effective use of the coastal zone is the introduction of a management system permitting conscious and informed choices among development alternatives.

"(j) That the absence of a national policy and planning mechanism for the coastal zone resource has contributed to the impairment of the Nation's environmental quality.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that planning and development of the coastal zone should be carried out on the principle of multipurpose use of the resource and preservation of the natural environment; that priority should be given to preserving nonrenewable resources; that Federal, State, and local governments as trustees of the natural and human environment have the responsibility to protect the coastal zone and ensure multipurpose use of the resource; that the States have the primary role in planning and developing the coastal zone resource; that the Federal government has a major role in protecting the coastal zone and in cooperating with the States in developing an effective coastal zone management system; that all Federal agencies shall seek to coordinate their activities in the coastal zone with the coastal States; and that planning and developing a coastal zone management system requires public participation and the greater use of the hearing mechanism.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) The term 'coastal zone' means lands, bays, estuaries, and waters within the territorial sea or the seaward boundary, whichever is the farther offshore, of the various coastal States and States bordering the Great Lakes and extending inland, up to a distance not to exceed twenty miles, where maritime influences exercise a direct effect upon the land.

"(b) The term 'territorial sea' means a belt of sea adjacent to the coast of the United States and extending three geographic miles offshore from the baseline and within which the United States exercises sovereign rights, subject to the right of innocent passage.

"(c) The term 'baseline' means the reference line from which the outer limits of the territorial sea and other offshore zones are measured by the United States Government.

"(d) The term 'seaward boundary of the various coastal States' means a line drawn three geographic miles offshore the baseline or nine geographical miles offshore the baseline in the cases of Texas and Florida in the Gulf of Mexico, or such other seaward boundaries as may be recognized by the United States government.

"(e) The term 'coastal State' means any State bordering on the Atlantic, Pacific, or Gulf Coast or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(f) The term 'Council' means the National Council on Marine Resources and Engineering Development.

"(g) The term 'coastal authority' means a commission, council, center, agency or other governmental entity, broadly representative of coastal needs, problems, and uses, designated by the Governor of a coastal State through legislative or other procesess. Coastal States may jointly designate an interstate agency of which they are a member, including a river basin commission, to serve as a coastal authority, in which case such an authority shall be subject to the provisions as a State agency for the purposes of this title, and shall be entitled to funding equivalent to the sums of the allotments of its member States.

"(h) The term 'estuarine sanctuary' is an area, not to exceed ten square miles, within the coastal zone and unhampered by the mounting pressures thereon, set aside to provide scientists the opportunity to examine over a period of time the ecological relationships within estuaries.

"APPROVAL OF STATE PROGRAMS

"SEC. 305. (a) In recognition of the need for increasing participation by the States in the comprehensive planning and development of the coastal zone, the Council shall review any planning, development, and operating program submitted by a coastal authority and may, in accordance with the provisions of this title, make grants to such authorities in order to assist them in developing a long-range master plan for the coastal zone and implementing a development program based upon such master plan.

"(b) The Council shall approve any planning and development program for the coastal zone which is submitted by a coastal authority, if such program—

"(1) provides for the formulation of a master plan for the coastal zone over which such authority has jurisdiction as follows:

"(A) such master plan shall include general planning principles and provide a statement of desired goals and standards to help shape and direct future development of the coastal zone, and such standards shall be based on a study of current population and development trends and existing or potential problems within the coastal zone, and be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses;

"(B) in preparing such master plan, the coastal authority shall examine the land use regulations and plans of the various governmental bodies whose jurisdiction extends over territory located in the coastal zone; shall consult with inferested parties, including local governmental bodies, regional development agencies, port authorities, and other intrastate agencies, the various Federal agencies affected by the development of the coastal zone, adjacent coastal States or authorities, and private groups concerned with the commercial, industrial, recreational, and esthetic development of the coastal zone; shall examine to the extent possible land use plans and regulations of any adjacent foreign countries; and shall conduct or support such research, studies, surveys, and interviews as are necessary to assist it in making informed decisions on the most beneficial allocation of uses of coastal waters and lands;

"(C) such master plan shall include studies, conclusions, and explanatory diagrams with respect to (i) the estimated future population growth within and adjacent to the coastal zone, including an indication of those areas which may anticipate the greatest future growth; (ii) a description of the location and characteristics of water currents and tidal movements in the coastal zone, and an analysis, including diagrams, of the probable effect of such currents and tides on the interrelationship of various types of uses; (iii) an estimate of the future need for use of the coastal zone for commercial, industrial, residential, conservation, and esthetic purposes, including diagrams for the most efficient, beneficial, and livable interrelationship of these various uses, so that the plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare; and (iv) such additional information as the Council deems necessary to promote the orderly and beneficial development of the coastal zone.

"(D) in formulating such master plan, the coastal authority shall hold public hearings on the proposed master plan or on various alternative master plans in order to obtain all points of view in the final preparation of the master plan;

"(E) the coastal authority shall be authorized to amend such master plan at any time that it determines the conditions which existed or were foreseen at the time of the formulation of such master plan have changed to such a degree as to justify modification of such plan, and authority for such modification shall provide for adoption of amendments only after a full opportunity for comment, including hearings at the affected areas, have been afforded to interested parties; and

"(F) at the discretion of the coastal authority and with the approval of the Council, a master plan may be developed and adopted in segments so that concerted and early attention may be devoted to those areas of the coastal zone which most urgently need comprehensive planning and development: *Provided,* That each such segment does not exclude any portion of the coastal zone which is substantially interrelated economically, socially, or by peculiar geographic configuration or movement of ocean tides or currents with the area which is included within such planning segment: *And provided further,* That the coastal authority adequately allows for the ultimate coordination of the various segments of the master plan into a single unified plan and that such

unified plan will be completed as soon as is reasonably practicable;

"(2) provides authority for the development of the coastal zone in accordance with such master plan, and such authority shall include power—

"(A) to draw up land use and zoning regulations which shall control public and private development of the coastal zone in order to assure compliance with the master plan and to resolve conflicts among competing uses;

"(B) to acquire lands within the coastal zone through condemnation or other means when necessary to achieve conformance with the master plan;

"(C) to develop land and facilities and to operate such public facilities as beaches, marinas, and other waterfront developments, as may be required to carry out such master plan;

"(D) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects; and

"(E) to exercise such other functions as the Council determines are necessary to enable the orderly development of the coastal zone in accordance with such master plan; and

"(3) provides authority for the coastal authority to review all development projects or regulations proposed by any State or local authority or private developer to determine whether such project or regulation is consistent with the principles and standards set forth in the master plan and to reject a development plan which fails to comply with such principles and standards: *Provided*, That such determination shall be made only after there has been a full opportunity for hearings: *And provided further*, That such determination shall be subject to judicial review.

"ALLOTMENTS

"SEC. 306. (a). In making the grants pursuant to section 305, the Council may make available to a coastal authority up to 50 per centum of the costs of developing a long-range master plan and implementing a developing program, and, for a period of up to three years, up to 50 per centum of administering such a program, pursuant to such section. The actual amount of the allotment to each coastal authority shall be determined, in accordance with the Council's regulations, on the basis of (1) the population of the State, (2) the area of public water within the State's coastal zone, and (3) the need for comprehensive planning and development of such coastal zone.

"(b) In addition to grants-in-aid, the Council is authorized, under such terms and conditions as the Council may prescribe, to enter into agreements with coastal authorities to underwrite by guaranty thereof bond issues or loans for the purpose of land acquisition or land and water development and restoration projects.

"PAYMENTS

"SEC. 307. The method of computing and paying amounts pursuant to this title shall be as follows:

"(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each coastal authority under the provisions of this title for such period, such estimate to be based on such records of the coastal authority and information furnished by it, and such other investigation, as the Council may find necessary.

"(2) The Council shall pay to the coastal authority from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such coastal authority for any prior period under this title was greater or less than the amount which should have been paid to such coastal authority for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

"REVIEW

"SEC. 308. Whenever the Council after reasonable notice and opportunity for hearing to a coastal authority find that—

"(a) the program submitted by such coastal authority and approved under section 305 has been so changed that it no longer complies with a requirement of such section; or

"(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such coastal authority that no further payments will be made under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such coastal authority under this title.

"RECORDS

"SEC. 309. (a) Each recipient of a grant under this Act shall keep such records as the Chairman of the Council shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Chairman of the Council and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEES

"SEC. 310. (a) The Chairman of the Council is authorized and directed to establish coastal zone management advisory committees to advise, consult with, and make recommendations to the Council on matters of policy concerning the coastal zone resource. Any such committee shall be composed of persons designated by the Chairman and shall perform such functions and operate in such a manner as the Chairman may direct.

"(b) Members of such advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 311. The Council, in accordance with its regulations, is authorized to make available to a coastal authority grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make long-term studies of the natural and human processes occurring within the estuaries of the coastal zone: *Provided*, That no State funds received pursuant to section 306 shall be used for this purpose.

"FEDERAL PROJECTS

"SEC. 312. (a) All Federal agencies conducting or supporting research or other activities in a coastal zone shall seek to make such activities support and be consistent with the program of the appropriate coastal authority and shall consult with such authority prior to such activity.

"(b) Federal agencies shall not undertake any development project in a coastal zone which, in the opinion of the appropriate coastal authority, are inconsistent with the master plan of such coastal authority unless the Council, after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, finds that such project is, on balance, consistent with the general objectives of this title.

"(c) When the appropriate coastal authority approves a development project of any Federal agency in the coastal zone as consistent with its master plan, the Council may, upon petition of at least six of its members, review such development project, and after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, reject such development project if it finds that such project is, on balance, inconsistent with the general objectives of this title.

"(d) All Federal agencies shall include in any request for authorization or funding of Federal projects in a coastal zone a statement of their relevance to the plan of the appropriate coastal authority.

"REGULATIONS

"SEC. 313. In carrying out the provisions of this title, the Council may issue such regulations as may be appropriate.

"VOTING

"SEC. 314. All Council actions taken under this title shall be by majority vote of its members. In the event of a tie vote, the Chairman is authorized to cast an additional vote.

"ANNUAL REPORT

"SEC. 315. (a) The Council shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding calendar year and a description of these programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's programs and its accomplishments during the preceding calendar year; (3) an itemization of the allotment of funds to the various coastal authorities and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Council has reviewed under section 309 of this title and a summary of the final action taken by the Council with respect to each such project; (6) a summary of the regulations issued by the Council or in effect during the preceding calendar year; and (7) a summary of outstanding problems arising in the administration of this title in order of priority.

"(b) the report required by subsection (a) shall contain such recommendations for additional legislation as the Council deems necessary to achieve the objectives of this title and enhance its effective operation.

"TITLE IV—MISCELLANEOUS

"MARINE RESOURCES FUND

"SEC. 401. The sum of $125,000,000 of all revenues received in each fiscal year beginning after June 30, 1970, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow

under the interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow fund, shall be placed in a special fund in the Treasury to be known as the 'Marine Resources Fund'. Money in such fund shall be used only for the purposes of (1) assistance to States qualifying under the provisions of title III of this Act, and (2) funding of programs authorized under title II of this act, and are hereby authorized for such use to the extent made available in appropriation Acts."

"SEC. 3. Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(z)) is amended by adding at the end thereof the following: '(10) The Secretary of the Army.'

"SEC. 4. Section 3(f) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1975'.

"SEC. 5. Section 9 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1108) is amended by striking out '$1,200,000' and inserting in lieu thereof '$3,000,000'.

S. 3462—INTRODUCTION OF A BILL ON VETERAN JOB PREFERENCE

Mr. STEVENS. Mr. President, as the troop withdrawals from Vietnam continue, we can expect to see an increasing number of veterans looking for civilian jobs. Veterans are entitled to certain preferences for civil service jobs, and today I am introducing a bill that will give our Armed Forces veterans an increased opportunity for and a wider choice of employment within the Federal Government by requiring executive agencies to hire first from the civil service registers before contracting for guard, elevator operator, messenger, and custodial services.

In many instances the Federal Government contracts with an outside agency to perform guard, elevator operator, messenger, or custodial services. The bill I am introducing would require that the Federal Government hire from the civil service registers unless the Civil Service Commission certifies that there are no qualified applicants available for the position in question. The Government is presently paying the high cost of negotiating contracts for the services of employees who are in turn paid the Federal minimum wage by the contractor. The higher wages that would be paid to civil service employees for these services would be offset by the savings of the contracting expense and the additional tax revenues realized from higher paid employees. In addition, by having control and command of its employees exercised directly by the agency for which the services are to be performed, the quality of work done on its behalf can be expected to improve. Employees owe job loyalty, first, to their employer. When employed directly by the Government rather than through an agent, an employee has a vested interest in the goal for which he is employed.

Under the legislation I propose, more jobs will be available for which veterans may receive a preference. Not only will veterans benefit from this bill, but also all civil service applicants will have an increased opportunity for employment. As our troops return from overseas, this is one small thing we can do at little cost to help them readjust to civilian life.

I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3462) to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3111. Contracts to perform services relating to positions of guards, elevator operators, messengers, and custodians.

"An Executive agency may not enter into any contract to provide services to that agency relating to a position of guard, elevator operator, messenger, or custodian unless the Civil Service Commission certifies that there are no qualified applicants available for appointment to that position."

(b) The analysis of such chapter, preceding section 3101, is amended by adding at the end thereof the following new item:

"3111. Contracts to perform services relating to positions of guards, elevator operators, messengers, and custodians."

S. 3463—INTRODUCTION OF A BILL TO AMEND THE AUTOMOBILE INFORMATION DISCLOSURE ACT TO MAKE ITS PROVISIONS APPLICABLE TO U.S. POSSESSIONS

Mr. INOUYE. Mr. President, I am today introducing a bill to extend the provisions of the Automobile Disclosure Act for the territories and possessions of the United States; the Trust Territory of the Pacific Islands, American Samoa, Guam, Virgin Islands, and Puerto Rico.

The Automobile Disclosure Act which passed the Congress in 1958 requires the manufacturer of new automobiles, prior to the delivery of any new automobile, to attach a label to the windshield of the automobile with certain price data concerning the particular automobile. For example the information on the label is to include the retail price of such automobile suggested by manufacturer; suggested retail price for each accessory or item of optional equipment; the amount charged to ship the automobile to the location where it is delivered to the dealer; plus other data. This law has been in effect since 1958 for all 50 States of the United States along with the District of Columbia.

The measure I am introducing today would extend this labeling requirement to those cars sold in the United States territories or possessions.

Many residents of these offshore territories have contacted me urging that such legislation be introduced. In fact, the Legislature of Guam has adopted a resolution requesting the Congress to extend the provisions of this Automobile Disclosure Act to Guam.

I believe that the citizens of these areas have the right to the same protection and information as do their counterparts in the 50 States.

I am therefore, introducing this legislation and hope that it will receive speedy consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3463), to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Commerce.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 498

Mr. THURMOND. Mr. President, I submit an amendment intended to be proposed by me to H.R. 514, the Elementary and Secondary Education Amendments of 1969. The purpose of this amendment is to prevent the Department of Health, Education, and Welfare from cutting off Federal aid to school districts during the school year. This amendment would also prevent HEW from requiring changes in school districts in midyear.

Mr. President, we have recently witnessed the ultimate in judicial folly in a number of southern school districts. These districts, including Greenville and Darlington Counties in South Carolina, are having to undergo massive changes in student and teacher assignment in the middle of an academic semester. As a result of these rulings, the Office of Civil Rights in the Department of HEW is refusing to approve any desegregation plans which do not implement total integration immediately. My amendment would prevent HEW from attempting to create in many districts the problems the courts have caused in a few.

This amendment would provide that, if a school district submits a desegregation plan intended for implementation next September, HEW would have no authority to withhold funds before next September.

Mr. President, I ask unanimous consent that this amendment be deemed to be germane to H.R. 514, within the purview of the unanimous-consent agreement.

Mr. President, I ask unanimous consent that this amendment be received and printed and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 499

Mr. MONDALE (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to House bill H.R. 514, supra, which was

ordered to lie on the table and to be printed.

AMENDMENT NO. 500

Mr. SCOTT proposed an amendment, in the nature of a substitute for amendment No. 463, an amendment intended to be proposed by Mr. STENNIS, to House bill H.R. 514, supra, which was ordered to be printed.

(The remarks of Mr. SCOTT when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARING ON NOMINATION OF MALCOLM R. WILKEY, OF NEW YORK

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, February 24, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia circuit, vice Warren E. Burger, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARING ON THE NATIONAL COURT ASSISTANCE ACT

Mr. TYDINGS. Mr. President, on February 27, 1970, at 10:00 a.m. in room 6226, the Subcommittee on Improvements in Judicial Machinery will hold hearings on S. 3289, a bill to encourage and help implement improvements in the judicial machinery of our State and local courts.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building, Washington, D.C.

DEVELOPMENT OF AN ADEQUATE SUPPLY OF ELECTRIC ENERGY

Mr. GORE. Mr. President, we must plan now, we must act now, to have an adequate supply of nuclear fuel for safe and efficient generation of electric energy—if a crisis in energy is to be avoided.

Decisions taken in the month ahead may well determine this issue. We must face realistically the environmental problems associated with power generation, both from nuclear and conventional fuels. The Government, as the agent of society, should assure that there will be an adequate supply of energy at reasonable costs. This requires intensified research and development in reactor improvement. It requires, too, economical operation, in other words, a mass-produced product at a reasonable price.

The demand for electricity is doubling every 10 years. It is estimated that most of the additional electric generating capacity will be from nuclear fuels. Herein hangs a problem—monopoly of supply.

President Nixon has proposed the sale of our only nuclear fuel plants to private interests.

The sole source of nuclear fuel—enriched uranium—is our three Government-owned enrichment plants—the gaseous diffusion plants at Oak Ridge, Tenn.; Portsmouth, Ohio; and Paducah, Ky. Indeed, these plants process the entire supply of enriched uranium fuel, not only for the United States but for the free world. They were constructed to manufacture enriched uranium for use in nuclear weapons. Fortunately, they have been used, and are available effectively and economically, for enriched uranium for nuclear fuel electric generation.

Increased supply of nuclear fuel is urgent; time is of the essence. And an enormous capital outlay—too large for any existing private utility company—for new uranium enrichment plants or for a modernization and improvement of the existing plants is needed.

Fortunately, the existing Government plants can be modernized and can solve the supply problem, perhaps for a decade. These plants were constructed at a cost of $2,300,000,000. Their cost now, of course, would be much more. The industrial and technical skills developed and gathered together at these plants may well be of much greater value. It is now known that shortly after President Nixon's inauguration, and without any public notice, a White House committee was established to examine the possible sale of these plants to private interests.

As far as I have been able to learn, the idea of selling these costly diffusion plants was first publicly suggested back in 1968 by Atomic Industrial Forum, Inc. This organization, composed of companies with a major interest in the nuclear field, recommended that these plants be sold to private interests "at the earliest feasible date."

Sale of these plants to private interests would pose serious problems. National security questions are involved as well as the adequacy and economy of supplies. It would put in jeopardy the development of nuclear power upon which we must largely rely if we are to meet the projected power needs of this country in the 1970's and 1980's.

The secrecy and inner White House character of the White House committee to look into the proposal by the Atomic Industrial Forum, Inc., is reminiscent of the genesis of the infamous Dixon-Yates contract in the Eisenhower administration.

Initially this committee did not even include a representative of the Atomic Energy Commission. The Joint Committee on Atomic Energy, required by law to be currently and fully informed by administration officials on nuclear matters, was not informed about the establishment of the committee. Indeed, the committee learned about it almost by accident much later. Months after the establishment of the committee, on November 10, 1969, a press release was issued by the White House. According to this press release, President Nixon proposed that our country's only uranium enrichment facilities—facilities that are absolutely essential for weapons production as well as for the production of fuel for nuclear reactors used for electric power generation—"should be transferred to the private sector, by sale, at such time as various national interests will best be served."

Apparently a firm decision has been made to sell the plants—significantly, I think it has been postponed until after the election in 1970—at a time to be determined later.

The President has directed the Atomic Energy Commission to establish an enrichment directorate as a separate organizational entity within the AEC as perhaps a preparatory step of a process leading to possible transfer of the plants to private ownership.

Whatever may be the timetable of planning, it is important that the American people fully understand the serious implications of what is cooking. The impact of such a sale upon the national security of this country and upon the economic welfare of our people would, in my opinion, be very adverse to the public interest. There are many reasons why. Foremost among them is the question of national security.

As I have already indicated, the product of these plants is used for weapons as well as for power. I earnestly hope that the nuclear arms race can be brought under control, but until this has become a fact rather than merely a hope I do not see how our national security could possibly be served by transferring to private ownership the source of materials which are essential to the manufacture of nuclear weapons.

Moreover, certain aspects of the technology employed in the enrichment process are classified. Although I do not assert that our country alone has the technical know-how to construct a gaseous diffusion plant, certain portions of the technology, particularly as related to barrier construction, are closely guarded secrets. Private ownership of both the technology and the facilities might well jeopardize our security from this standpoint. For one thing, the plants could not even be offered for sale without providing access to this technology to those who might reasonably be in a position to bid.

The transfer of these facilities to private ownership would most probably encourage other nations to set up their own uranium enrichment plants. In addition to the economic results of such a development, this would pose further hazards with respect to the proliferation of nuclear weapons.

The United States has entered into solemn agreements with 33 foreign governments and international bodies under which our Government made a commitment that it will provide enriched uranium to countries throughout the free world to fuel the nuclear powerplants which they have installed or which they plan to install. These countries entered into these agreements with the understanding that the enriched uranium

would be supplied from manufacturing facilities owned and operated by the U.S. Government. There were a number of reasons why we entered into these agreements, but a major reason was to assure our friends abroad that there would be no need for them to set up their own facilities. We recognized then, as I state now, that uranium enrichment is a first and essential step in the production of nuclear weapons. It is our solemn policy to discourage other nations from seeking to become nuclear powers and we have negotiated a nuclear nonproliferation treaty to achieve this objective. The transfer of our facilities to private interests, which would necessarily be motivated by profit, might well cause doubts about the assurances we have given and such doubts might well lead to the very proliferation we are seeking to avoid.

Mr. President, wholly aside from questions of national security, the sale to private interests of our gaseous diffusion plants would pose serious consequences to the Nation. As I have previously indicated, demand for electricity is doubling about every 10 years and if this demand is to be met a major portion of it will have to be supplied by nuclear power. This means that we simply must be assured of an adequate supply of nuclear fuel at reasonable cost.

I have great faith in our private enterprise system. Through it we have achieved the highest standard of living ever experienced by any people anywhere. But, Mr. President, the benefits of private enterprise flow in full measure to the people only when there is free and fair competition. Thus, it is crucial to examine the proposed sale of these plants from the standpoint of who would control them and thus control a major source of energy upon which the Nation must rely.

The Nixon administration has not indicated the basis upon which it proposes to sell the plants. Originally they cost $2,300,000,000 and in addition to the bricks and mortar there is, of course, the value of the technology that has been acquired at taxpayers' expense. It may well be that it will be proposed that these plants be sold for far less than their value and all kinds of rhetoric may be invoked to explain this to the American people. Some may find it hard to believe that the Government might propose such a giveaway, but I remind them that it has been done before. I need only recall that several years ago we gave away to a company called Comsat the technology relating to the communication by satellite which had been developed at a cost to the taxpayers of millions of dollars. I suggest that if such a giveaway is proposed here, those who advocate it had best be prepared for a long battle.

If the plants are offered for sale at their fair value, or even at less than fair value, any purchaser would have to have very large capital resources to undertake the acquisition and the extensive capital requirements for the expansion that would be needed and for operating capital. Only our largest corporations, or perhaps a consortium of several of them would have the resources to acquire the plants. Under the circumstances, it is important that we consider who might be interested and how the transfer to various industrial groups would affect the public interest.

There are currently about one-half dozen companies that are seriously involved in the nuclear reactor business. Some of them such as GE and Westinghouse are giants. It is possible that they might be interested in acquiring control of the fuel supply that would be used in the reactors they would build. If this occurred, this would give these companies through the process of vertical integration a degree of control over nuclear power that would be of grave concern to the utility industry and to the general public. If one or more of the companies engaged in building reactors should acquire the plants, they would be in a position surely to freeze out their competitors in the reactor construction business.

It is possible that a group of utility companies might get together and raise sufficient resources to acquire the plants. Here, the antitrust and monopoly implications are clear. Control of the fuel supply by one utility would obviously have an impact upon others throughout the country.

When one searches for an industry that includes corporations that have the capital assets and which may have the desire to get into the uranium enrichment business, he will eventually, if not immediately, come to oil. The giant oil companies are already in the energy business in a big way and they have not limited their interest to oil and gas. For many uses, including electric power generation, oil is in direct competition with coal. Already these giants have begun the acquisition of many of our larger coal-producing operations. Between 1966 and 1968, through a series of mergers, oil companies have acquired control over approximately 20 percent of the Nation's bituminous coal production.

Already coal producers are losing their identity as an independent industry. As of 1968 more than 36 percent of our coal production was controlled by nine corporations, none of which is primarily engaged in the production of coal. Seven of them are oil companies. If this process is continued, it will not be long before competition between oil and coal will be effectively eliminated.

Mr. President, an effective monoply on sources of energy by any one industry, or by any corporate combine, would imperil the economic life of the Nation. If the oil industry, flushed as it is with cash accumulated in large part from depletion allowances, is allowed to gain control over the sole supply of nuclear fuel, it would be in a position to dictate what form of energy would be used and at what price.

Thus, the identity of the proposed purchaser is of great importance. There is cause for concern, however, regardless of the identity of the purchaser. Enriched uranium is a unique product and product competition, normally an element of our free enterprise economy, would not be present in the marketing of enriched uranium. Whoever owns these plants would control the sole source of supply.

Officials of at least one of the Nation's largest utilities have already expressed their concern about the transfer to private ownership of control over the supply of nuclear fuel. The chairman of the board of Consolidated Edison has warned against "precipitous action" by the Government. He has pointed out that even if the three plants were transferred to three separate owners, this would lead to the kind of "homogeneous oligopoly" that would make meaningful competition questionable.

Mr. President, I repeat that in the years ahead one-half of our electric energy will be generated with nuclear fuel. It is essential that Government retain control over the supply in order to assure its availability at reasonable cost.

Another important element of the question of adequacy of the fuel supply is that of the capacity of the existing plants. With nuclear power still in its infancy, the current demand for enriched uranium is less than plant capacity. But this will not be true by the mid-1970's. On the basis of current projections, demand will exceed capacity of the existing plants sometime during this decade. This means that we shall either have to increase the capacity of the existing plants, build a new one, or both. The leadtime for either approach is measured in years.

A new plant would cost more than $1 billion. The AEC has proposed a program to upgrade existing capacity. Under the AEC's cascade improvement program, at a cost of from $600 million to $800 million, the capacity of the existing plants can be increased by more than 50 percent. This is a lot of money, but the cost would be far less than would be required to obtain equivalent capacity by building a new enrichment plant.

In order for the improvement program to be accomplished in an orderly manner and completed by the time the additional capacity is needed it should have been started this year. The Commission requested $138 million to begin the work in fiscal 1970. There was not one dollar for the program in the budget. This shortsighted action invites a crisis in energy.

The 1971 budget just submitted to the Congress allocates only $5 million to begin the design work and certain support services for the cascade improvement program. By such a meager allocation to initiate a project of this magnitude the administration has, in effect, deferred it for still another year. By deferring the project, the administration may be buying political time, but it is surely doing so at the expense of an energy crisis.

The President should withdraw his sale proposition. It is a stumbling block to progress toward pollution free, economic nuclear power.

Whatever may be the form of ownership of our enriched uranium capacity, someone is going to have to spend the money to enlarge existing plants or to build new ones. Delays mean only that the work will have to be done on a crash basis at greater cost, or else that we will

face a shortage of nuclear fuel and thus a shortage of energy in this decade.

Mr. President, we can avoid an energy crisis in the years ahead only by moving now.

The public interest and safety require development of nuclear reactors that are safer and more efficient and that we resolve the questions that have been raised by those who are concerned about the construction of generating plants in their neighborhoods.

Such a program will require the allocation of substantial resources at a time when other problems may appear more immediate, but it is the only sensible course to follow.

THOMAS A. ROTHWELL'S TESTIMONY ON WARRANTY REGULATIONS

Mr. GRIFFIN. Mr. President, Mr. Thomas A. Rothwell, special consultant to the National Small Business Association, recently testified before the Consumer Subcommittee of the Commerce Committee on the Consumer Products Guarantee Act, S. 3074. His testimony raises a number of the underlying questions on the causes of product quality deterioration.

Mr. Rothwell's testimony has been described by columnist Earl Lifshey of Home Furnishings Daily as "by far the most significant and constructive declaration on the subject I have yet seen."

Mr. President, I ask unanimous consent that the thoughtful statement of Mr. Rothwell be printed in the RECORD, followed by an article from the Wall Street Journal on this subject.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT OF NATIONAL SMALL BUSINESS ASSOCIATION BEFORE COMMERCE COMMITTEE

My name is Thomas A. Rothwell of New York City. I am a special consultant to the National Small Business Association. I wish to thank the Committee for the opportunity to appear on the subject of warranty and guarantee regulation.

The National Small Business Association is gratified and reassured that serious legislative attention is being directed to this area of warranty-guarantee regulation as embodied in the Consumer Products Guarantee Act, S. 3074. There can be no dispute but that the problem to which this bill addresses itself is both real and significant and that abuses do exist. As to the structuring and publication of guarantees, and as to manufacturer performance thereunder, the subject matter is unfortunately complex and it will require a full measure of legislative wisdom and resourcefulness to enact a measure that will be both fair and effective.

The problems of deteriorating quality and the consumer's frustrations in seeking a remedy were set out in a brief but comprehensive article appearing in the Wall Street Journal of June 26, 1969, under the title "Caveat Emptor: Many People Complain the Quality of Products Is Deteriorating Rapidly." A copy of this article is annexed to this statement for easy reference.

One of the distinguished jurists on the Supreme Court pointed out some years ago that, "It makes a difference whether you start with a question, or with an answer." If one approaches this problem of performance guarantees with the prejudice and conviction that producers are at best a greedy lot, seeking to palm off inferior and shoddy products on an unsuspecting public for outrageously high prices, then broad gauge and punitive legislation would seem to be in order. Perhaps this always has been and must be the popular view, attributing a selfish if not sinister character to the producing class generally. Serious students as well as the objective observer must of necessity view this approach as unrealistic, superficial and, most importantly, unworkable. The producers of goods are no different as a class than any other economic group. They respond to the same motivational prods, and are subject to identical social and economic influences. Thus we suggest as an assumption that no one or no class is at fault, and that this Bill, S. 3074, is not an attempt to fix fault on any element in the economic community, but instead is an attempt to define and provide a remedy for a specific problem. Add to this assumption the truism that an effective remedy results only from a proper diagnosis—until the doctor knows what's wrong with the patient and why, his prescriptions are guesses.

Thus, the most pertinent inquiry is, "Why is there such uneven performance on the part of the producer relating to guarantee policies?" Another form of the same question would be, "What has caused the noticeable deterioration in product quality?"

The technical director of Consumers' Union, Mr. Morris Kaplan, is quoted in the Wall Street Journal article already described as pointing out that, "Makers try to reduce quality as much as possible to reduce price." Tough price competition provides part of the answer for the down-grading of quality, according to Mr. Kaplan. It seems that this provides both a clue and an insight into the basic causative factors involved in the problem of product quality and the associated problems of product guarantees. The overall thrust of both economic regulation and business evolution since the 1920's has been "more and cheaper," rather than "more and better."

As to the business evolution aspect of the matter, the widely acclaimed retail revolution, of which the emergence of mass merchandisers has been the most significant aspect, has created something akin to a business "ecology," similar to the ecological cause and effect processes in the natural science of which we have heard so much about of late.

In substance, the retail revolution, accompanied by the phenomenal growth of discounters and mass merchandisers, has sponsored and encouraged a situation where the producer is favored who makes a product cheaper, more superficially stylish, and who engages in the most massive or flamboyant advertising endeavors. Business prizes of success in the marketing complex that has evolved in the last twenty years have not gone to those that build for quality and long-lasting durability, generally speaking.

Let us make no mistake about it. The critical factor from the producer's point of view is marketing. Production, financing, physical distribution, administration, employee relations, and other aspects of the business processes are important, of course. But the critical life-or-death difference in our time is marketing, and the producer does *not create* or *shape* marketing values so much as he *responds* to them.

A well known business columnist wrote last week about the Houseware Show in Chicago, that the number of new products offered was overwhelming and staggering and that there would be no room on the shelves or floors of retailers for a very large proportion of these new products of 20th Century technology. Obviously, if the maker of any product, new or old, cannot have adequate access to the market through the stores that sell the majority of consumer goods, such a producer cannot succeed; and producers find that the large-scale retailers are interested primarily in number of turns, consumer appeal from the point of view of high styling, and profitability—most of all, profitability. The major thrust of the consumer advertising of the large-scale retailer to the consumer is that, "You can buy it cheaper at my store; we sell at rock-bottom prices." Thus the producer, marketing through large-scale retailers, must strive always to make a product at a price that will permit the retailer to give the consumer the illusion of a bargain and at the same time permit the retailer to make a profit. Does such a retailer stand behind or in any way guarantee consumer satisfaction? The prevalent answer is, "No, this is the manufacturer's responsibility."

In reviewing the substance of S. 3074, it is clear that this measure confirms the "unsatisfactory performance is not our responsibility" attitude of the large-scale retailer. Among other things, S. 3074 has the effect of removing the responsibility from the retail level, freeing retailers from the most minimal responsibilities to the consumer, even a consumer who has been improperly advised by the retailer concerning product performance.

Of even more importance to an understanding of the "whys" of the problem, is the matter of economic regulation, and more specifically, anti-trust policy. The producer has been systematically deprived of any means of control, or the option to give any direction to the marketing of his products. In the last fifteen years, a philosophy has emerged that postulates that, "Once a producer has sold a product he loses all further right to control its use or disposition." This applies as to price, channels in which it is sold, territories or classes of customers to be served by various elements in the distribution system. The law has gone even further in that fifteen-year period, by making it mandatory, in effect, for a given maker's product to *compete with itself*, especially on a price basis.

There is a great body of economic thought and common law that recognizes that for a product to be compelled to compete with itself is destructive and perverse, a morbid form of competition that is not in the public interest. This point of view has not prevailed in recent years; price-cutting, diversion of products, territorial raiding has been encouraged and protected by law. In short, anarchy in distribution has been the ideal of the anti-trust authorities, enforced by ever more severe judicial restrictions. In this process the discounters and mass merchandisers, whose business methodology is generally inimical and hostile to the maintenance of product quality, have been lionized and made heroes by the government agencies, consumer groups, and large segments of the press.

Having thus loaded the dice, both from the viewpoint of business evolution and affirmative anti-trust policy, in favor of the cheap, gaudy, hit-and-run elements in our business complex, it is understandable that the opposite values of quality, dependability, and durability have become downgraded by a hostile environment.

To the extent that this measure S. 3074 is an attempt to legislate quality and minimum warranty protection for consumer products, it will be foredoomed to failure unless the underlying conditions that have encouraged and rewarded cheapness and superficial fashion appeals are also changed. In substance, the legislative situation is the familiar one of King Canute ordering the waves to retreat from his domain.

We would like to make the following specific points about S. 3074 in the hopes that the Committee in its wisdom can devise appropriate legislation that has some degree

of relationship to the causes of the current situation as it relates both to product quality and guarantee performance standards.

1. Let us recognize that this measure would give legislative approval to the irresponsible retailer who characteristically meets consumer complaints with a shrug of the shoulders and vague advice to "complain to the manufacturer." This, despite the fact that the sales clerk may have recommended and sold an inappropriate product for the purpose intended.

2. It is urged that self interest is superior motivation in an economic sense to the fear of punishment. Section 16 of the proposed measure, although incomplete in form, does represent such a beginning. Congress should encourage the promulgation and enforcement by industry of industry-wide standards relating to product quality as well as guarantee performances. Producers adhering to the industry standards could be rewarded by being permitted to use a symbol indicating their compliance with and adherence to such industry standards. Such a symbol might be the letter "W" in a circle. This by analogy to the Lanham Trademark Registration Act, wherein the symbol "R" in a circle is reserved to those trademarks that are registered under federal statutes.

Such an appeal to the self interest of producers would require a re-definition of prevailing antitrust standards.

3. It is recommended that the Committee initiate a study and investigation as to the relationship of producer control of marketing patterns to the preservation of product quality, and a formulation of sound public policy in respect thereto. Among other things this would require a modification of some judicially developed absolutes that have been appended to our anti-trust laws.

4. In reference to certain products, such as television, warranty policies today are described as inboarded when they are included in the sales price, and outboarded when a service contract is offered at an extra charge as an ancillary aspect of the purchase and sale transaction. This legislation pre-empts the field in favor of inboarded warranties.

Perhaps this is an appropriate decision, or it may be otherwise. Do consumers get better service and better quality products with inboarded warranties rather than outboarded warranties? This requires a factual determination. In theory, a rather strong case can be made for encouragement of outboarded warranties, as embodied in a continuing service contract.

The definition of express guarantee under Section 2, sub-section 9, is sufficiently comprehensive so that any product advertised for sale in an effective manner would be accompanied by an express guarantee, even though the words were not used and there was no intent to extend a guarantee. Although Section 9 seems to preserve the "outboarded" guarantee, why should anyone purchase a service contract in the light of the present scope of Section 3?

5. This legislation in its present form seems adverse to the interests of small-scale enterprise for several reasons:

(a) The duties imposed by Section 3 raise additional barriers to market entry as they build in an additional cost of doing business. In the case of a regional producer, whose products may be distributed nationally, the potential exposure to the absolute liability provisions of Section 3 may constitute an insuperable burden.

(b) Section 3 obliges a producer to underwrite labor costs. This presumes the existence of a large number of skilled mechanics and service people available on a standby basis. The plain fact is that, as a result of our overall cultural environment, there is no such pool of service people available for a producer to call upon to discharge his obligations under this bill.

It is indisputable that service people are difficult to obtain, train and keep. If the maintenance of a service staff becomes a condition precedent to a promise of product quality, only large-scale enterprise, and perhaps even well-established enterprise, can successfully undertake such an investment in people.

(c) A single class action, prosecuted successfully, could put a smaller economic unit out of business. This is unlikely in the case of large-scale enterprise.

6. The coverage of the measure seems extraordinarily broad being extended to any product that has thermal, electrical, or mechanical components. This would include automobiles and trucks as well as wind-up toys such as the midget racer frequently purchased for children. It would extend to utility components such as oil burners, water heaters, and pumps, to doorbells and even to old-fashioned spring operated alarm clocks.

These seem to be strange and incongruous categories for consumer goods. It is suggested that the composition of trade associations already provide a rational and working set of categories, and the legislation would be much improved if it were directed to these pre-existing functional categories.

7. Conversely, although the measure seems to have astonishing breadth on the one hand, on the other hand there is no means provided to cover foreign manufacturers that utilize an independent importer for their products.

8. Section 6 of the measure would remove the word "guarantee" from general usage. Pursuant to Section 6 the maker of a refrigerator may (and perhaps must) guarantee the motor and compressor. Can such maker also guarantee the porcelain finish? More importantly, the maker of shirts will no longer be able to "guarantee" against shrinkage. If the committee should respond favorably to the suggestion made pertaining to the employment of industry standards for warranties and performance thereunder, accompanied by the exclusive right to use an arbitrary symbol as suggested, Section 6 would then be unnecessary.

9. This measure as presently written may have the effect of compelling producers, especially the small-scale producers, to make an affirmative disclaimer of express guarantees or peformance guarantees. This, despite the fact that such a course could sharply limit the producers' opportunities to market their products. The net result in such case would be to diminish the availability of product guarantees to consumers as well as opportunity for small-scale enterprise. If such occurs, surely the legislation will have missed its mark.

10. S. 3074 will increase prices for many categories of consumer products.

[From the Wall Street Journal, June 26, 1969]

CAVEAT EMPTOR: MANY PEOPLE COMPLAIN THE QUALITY OF PRODUCTS IS DETERIORATING RAPIDLY—FREQUENT CHANGES IN DESIGN, PRICE RIVALRY ARE FACTORS—KITES, SHOES, TVS CRITICIZED—PEOPLE EXPECT TOO MUCH

Roofs leak. Shirts shrink. Toys maim. Toasters don't toast. Mowers don't mow. Kites don't fly. Radios emit no sounds, and television sets and cameras yield no pictures.

Isn't *anything* well made these days?

Yes, some things are. A man at Consumers Union, the publisher of Consumer Reports magazine, says that refrigerators are better than ever, for, instance, and that wringer washing machines are becoming much safer. But he agrees that shoddy goods abound, and Wall Street Journal reporters' talks with Americans from coast to coast indicate that quality of merchandise is worse than ever.

Price is no factor. Expensive goods fall apart or fail to work or have missing parts with the same regularity as cheap goods, buyers say. What's more, they complain that it's often a long, hard fight—sometimes a long, hard, costly fight—to get the merchandise repaired or replaced. They say salesmen and factory representatives have become masters of doubletalk and artists of the runaround.

For their part, sellers and manufacturers see things differently. Most companies contacted say their complaints are actually declining (though, most Better Business Bureaus report the opposite), and they say that many of the complaints they do get are due to stupid customers. "Customer knowledge isn't as good as it should be. People don't read instructions. They just try to plug things in and make them work," maintains L. G. Borgeson, a vice president of RCA Service Co.

A BUZZ, A BLUR AND A HISS

But Mr. and Mrs. Howard C. Tillman of Memphis aren't dumb, and they say it isn't their fault that their Magnavox television set hasn't worked right since they bought it three years ago. They paid $1,200 for their console, but Mrs. Tillman says the world of color hasn't been so wonderful for them.

"The longest we've gone without a service call is three months," she says. The problem: "When you turned the set on, it sounded like a buzzer at a basketball game. You could see the picture, but it was like the times in a movie when the picture just flips up and down. We had to keep it unplugged, because it hissed whenever it was plugged in, even if it was off."

The people at Scott Appliances Inc., where the Tillmans bought the set, refused to replace it, Mrs. Tillman says, and so finally the Tillmans hired a lawyer this spring. No suit was filed, but the lawyer did get some action. Three weeks ago Magnavox replaced everything in the set except the speakers. Mrs. Tillman isn't completely happy—she says the speakers were a major problem—but so far she has no more complaints "So far, it's been working fine," she says. "But I haven't really played it much. We've been out of town."

A spokesman at Scott Appliances won't comment on Mrs. Tillman's case, except to say that Scott stands behind its products even though "it's a headache and a cost to us." A spokesman at Magnavox in Skokie, Ill., says he is aware of the Tillman case. He doesn't explain the Tillman's long wait for replacement parts, but he says, "We try to show interest in a customer's inquiry."

WHY ARE THINGS SO SHODDY?

It isn't difficult to find people like the Tillmans who have complaints. Not so long ago, eight employes in a small Chicago office of CNA Financial Corp. were comparing notes on new purchases they had recently made. The most common thread: Six of them had bought defective goods. The Consumer Reports man to the contrary, the finish on a $425 GE refrigerator was peeling. A $400 Admiral color TV set required a two-week factory overhaul. A $20 pair of women's shoes ripped at the seam during the first wearing. The chain fell off a $32 training bike. A Roper dishwasher was installed incorrectly and had a defective timer. And a Roper gas range had a defective pilot light.

Why does this happen? Morris Kaplan, technical director of Consumers Union, says there are a couple of reasons for quality deterioration. First of all, he says, there is simply less quality control at many factories. He blames this in part on the annual "model change" in appliances and other goods. The drive to get the new model out will frequently make it impossible for the manufacturer to do anything in the way of "quality control," he says.

A second reason for poor quality is tough price competition, Mr. Kaplan says. "Makers try to reduce quality as much as possible to reduce price," he says. As an example, he cites black-and-white television sets, which

recently have come down in price but "precious few" of which now have horizontal control knobs or knobs to adjust brightness levels.

Mr. Kaplan, a 58-year-old man who has been at Consumers Union for 23 years, says it is very difficult to generalize and say that products are shoddier now than in the past. In some areas, quality has improved, he asserts. But he maintains that those products that are bad seem worse than ever, and he says that among bad products a greater percentage of the output is faulty now than in the past.

A NEW PHENOMENON

He says, for instance, that Consumers Union bought 25 or so instant-load, automatic-exposure cameras not so long ago. They cost $30 to $70, he says, and they included brands made by 15 to 20 manufacturers. "One half of them as received were not operable or became inoperable shortly after we got them," he says. Similarly, he says, the organization recently bought 15 or so hi-fi tape recorders costing several hundred dollars each, and discovered that one third of them were faulty.

"This is a new phenomenon so many bad items," says Mr. Kaplan.

Mr. Kaplan will reel off a list of products that he says are better than ever. Clothes washers have improved, he says, and he maintains that the durable press innovation has made clothing better. But he also will list what he considers bad products. "Frozen fish has been lousy for a long time and is still lousy," he says, "the quality is abominable."

Mrs. Michael J. Espok of Irwin, Pa., isn't too concerned about frozen fish, but you won't find her singing the praises of GE irons or K-Mart discount stores. Last Feb. 13, Mr. Espok bought his wife a GE steam iron, which K-Mart had marked down to $8.97 from its regular price of $11.97. After a week of use, says Mrs. Espok, "all the water ran out the bottom and spotted my clothes."

She called a local GE service center, where a "very nice" man told her to take it back to K-Mart. She did. But K-Mart refused to take it back, since it had been sold more than 10 days before. "He told us to take it back to GE," says Mrs. Espok. Mrs. Espok finally did mail it to GE, and four weeks later she received a replacement, which she says is working fine. But she still isn't happy. She was without an iron for a month, and she had to make a special trip to the K-Mart.

The manager of the K-Mart store now says the store should have taken back the iron. "There was a slight misunderstanding," he says. "If she had come to me, we would have exchanged it. GE probably should have taken it, too." Mrs. Espok says the man she talked to at K-Mart had a bad attitude. "My husband never swears," she says, but he said, "We'll never buy another ——— thing at K-Mart again."

Though General Electric replaced the iron, a GE service representative can't get too excited about Mrs. Espok's complaint. "It's a cheap iron. People expect too much from them," he says.

ONE IN A MILLION? OR 74 OUT OF 100?

But expensive things aren't faultless. A Boston salesman says his Brooks Brothers suit began to deteriorate two weeks after he bought it. The store took it back and gave him credit. Similarly a woman says that she bought a skirt at posh I. Magnin in Los Angeles and that after two hours it became completely wrinkled. "It looked like I'd slept in it. The belt became completely shriveled," she said. The store returned her money.

Another Los Angeles store, when asked about a customer's complaint about a bedspread, confirms the problem but says "this kind of thing is really one in a million." Perhaps, but other statistics indicate the ratio is a bit different. In the May issue of Consumer Reports, for example, the magazine discloses results of a survey of 90,000 owners of color TV sets. Seventy-four per cent of the color sets reported on "had required repairs of some sort," the magazine says. Most of the sets were three years old or less. The article also says that 6% of the sets bought in 1968 had to have their picture tubes replaced before the year was out.

If the magazine "had a dime for every complaint we've received about color TV . . . well, we could afford another color set. But we wouldn't be anxious to take on the headaches that seem to come with color," the article states.

TV sets have lots of parts, and it's possible to understand how they can break down. You'd think kites would be different, but William Ryder of Findlay, Ohio, says that isn't the case. He plunked down a dollar not so long ago for a plastic kite shaped like a bat. The first time he and his five-year-old son tried the kite, the keel, to which the string is attached, tore off and the kite plummeted earthward.

Back to the toy store, where he got another one free. Another try, another torn-off keel, and another kite crash. Back to the toy store for a third one, which he tried in gentler breezes. When the keel began to tear away, he patched it with plastic tape—and it's been flying great ever since.

A spokesman for the kite maker, Gayla Industries of Houston, says Mr. Ryder probably didn't read the directions, which admonish users not to fly the kite in high winds or cold weather, both common to Ohio. And he adds, "You expect kites to break up sometimes." He says, however, that complaints have declined while sales have quadrupled.

PROBLEMS WITH A PACEMAKER

A much more serious complaint comes from some doctors who implant pacemakers in patients to regulate their heartbeats. For a while, some pacemakers made by the Electrodyne subsidiary of Becton, Dickinson & Co. were inferior, some doctors allege.

"The problem was that the pacemaker, which was supposed to operate for 18 to 24 months, would stop in three or four months," says a Texas doctor. "The patient would then have to undergo surgery for us to replace the defective instrument, and sometimes the new one we put in would stop after two or three days." The new operation would cost the patient $3,000 to $4,000, this doctor says, not to mention the pain and suffering.

An official of Electrodyne concedes the company had trouble with its pacemakers, but he says that that is "ancient history" now and that it's been "well over a year" since the company received complaints about the instruments. The Texas doctor says he and his colleagues complained repeatedly before anything was done. The Electrodyne official replies: "If something is wrong with a piece of equipment, that does not mean we can immediately correct it. We took immediate action to find what was causing the problem. We found it and corrected it."

There was little the heart patients could do, of course, but submit to a new operation. In other areas, though, consumers have found ways to get back at the manufacturers or sellers. Many, like Mr. Espok, the dissatisfied K-Mart shopper, simply refuse to shop any more at the store where they bought the faulty merchandise. Many complain to Consumers Union or to Better Business Bureaus in hopes of giving the offender a bad name. And many just start word-of-mouth campaigns against the stores or products.

An Iowa grandfather, for instance, who has been arguing for years with Sears-Roebuck about what he says is a leaky roof the retailer put on his house, signs all of his frequent letters to his children this way:

"Love, and don't buy anything at Sears."

IS LAOS TO BECOME ANOTHER VIETNAM?

Mr. SYMINGTON. Mr. President, a thought-provoking editorial appeared in the Philadelphia Inquirer of February 8, "Is Laos To Become Another Vietnam?"

This editorial begins:

It would be the worst of ironies, and the grimmest of tragedies, if the United States were to stumble blindly into a new war in Southeast Asia while still trying desperately and unsuccessfully to get out of an old one.

The point is then made that "the similarities between American involvement in Laos today and in Vietnam a decade ago are too striking to be brushed aside."

I ask unanimous consent that the editorial in question be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Feb. 8, 1970]

IS LAOS TO BECOME ANOTHER VIETNAM?

It would be the worst of ironies, and the grimmest of tragedies, if the United States were to stumble blindly into a new war in Southeast Asia while still trying desperately and unsuccessfully to get out of an old one.

The similarities between American involvement in Laos today and in Vietnam a decade ago are too striking to be brushed aside. Despite the cloak of secrecy that the Pentagon has wrapped around U.S. military activity in Laos, and despite President Nixon's adroit sidestepping of questions on the subject at recent news conferences, enough information has come to light to raise warning signals.

Official silence notwithstanding, it is common knowledge that thousands of Americans are in Laos, that many of them are serving as "military advisers" to the Laotian army, and that U.S. military aircraft are flying combat missions against Communist forces in Laos.

American involvement in Vietnam followed a similar pattern and gradually escalated until, finally, it had to be admitted that U.S. "advisers" were doing more fighting than advising—and also were doing more and more of the dying.

The White House and the Defense Department could inform the American people fully on the essential facts of American involvement in Laos without jeopardizing the security of our servicemen or our allies. Indeed, it is very likely that Hanoi already knows the precise number and whereabouts of U.S. personnel and planes committed to Laos.

If President Nixon believes it is in America's interest to be actively engaged in the fight against Communism in Laos, he should take his case to the American people in a television speech—telling what the involvement entails and what the objectives are. If there are good reasons for American servicemen to be in Laos, let the American people be told forthrightly what those reasons are so they may judge for themselves the validity of arguments pro and con.

The most tragic aspect of the war in Vietnam—aside from the human suffering—is the way the United States blundered haphazardly into it without really knowing what was going on. Even the most vociferous of hawks are likely to admit that America has made a lot of mistakes in Vietnam—mistakes that, in some cases at least, might have been avoided if Congress and the people had known what they know now.

Whatever happens in Laos, and whatever the U.S. role may be, let the American peo-

ple have the information necessary to make an intelligent judgment. Whatever we do, let's do it with our eyes wide open this time.

SEGREGATION IN AREAS OTHER THAN THE SOUTH

Mr. TALMADGE. Mr. President, debate in the Senate for the past several days has focused attention on the fact that, in a great many areas, there is more school desegregation in the South than in the North. Yet, in what I regard as an outstanding example of rank hypocrisy, Federal courts and bureaucrats have singled out the States of the South for sweeping rulings and edicts that have brought confusion and near chaos to many school systems.

There appeared in the February 12 issue of the Atlanta Constitution an excellent editorial column by Hal Gulliver, which describes the situation North and South and which especially calls attention to the extent of segregation in areas other than the South.

I bring this column to the attention of the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SCHOOLS AGAIN

(By Hal Gulliver)

The process of school integration in this nation's cities—including Atlanta—has simply broken down.

It isn't working. Curiously, school desegregation is a good deal more complete in many of Georgia's smaller communities. This is partly because of the logistics of it. In many school systems, there used to be one all-white high school and one all-Negro high school. When the "dual" system was eliminated under court order or HEW guidelines, this often meant simply consolidating so that there would be only *one* high school, attended by all white and black pupils in the system.

Sometimes, the grades are grouped a little differently. In one medium-sized town, all white and black pupils in the 10th, 11th and 12th grades now attend what used to be the white high school. All 9th graders, black and white, attend what used to be the black high school.

But it isn't working in cities.

Atlanta is a good example. There are now 26 schools which formerly were all-white. Each school was integrated. In each case, as the number of black pupils attending the school rose, white parents simply moved away. The 26 schools—which were all-white a few years ago—are now all-black. They're just as segregated as ever.

The pattern of residential segregation is an old one in Northern cities, cities *not* so far covered by federal court decisions or school desegregation guidelines.

And cities like Atlanta have reached a point in school desegregation at which the situation is almost identical with de facto segregation of major Northern cities.

Sen. Abraham Ribicoff of Connecticut, in a remarkable speech on the Senate floor this week, blasted the "monumental hypocrisy" of Northern liberals . . . the pretense that segregated schools in New York or Chicago are any *less* segregated simply because you call it "de facto segregation."

The state of Georgia recently filed suit in federal court against U.S. Attorney General John N. Mitchell, on the basis that the federal government has attempted to "impose racial quota systems respecting public education in Georgia and certain other states generally described as 'The South' or 'Southern States,' while at the same time eschewing completely any attempt to terminate far more blatant conditions of almost complete racial segregation, separation and isolation which permeate public education in States outside the geographic area . . ."

Judging by the past history of such matters, the Georgia suit has about as much chance in federal court as, say, Rep. Julian Bond has of being elected governor of Georgia this year.

But the figures on the school systems in "15 selected Northern city school systems" are interesting. According to a survey, 84 per cent of the *increase* in Negro pupils in the period from 1950 to 1965 were by 1965 attending schools which had become 90 to 100 per cent black.

In other words, phrased simply, most black students in these 15 cities are attending either all-black or almost all-black schools. Segregation? Sure. Take a look at Cincinnati or Buffalo or Oakland or Milwaukee. There's a good deal more school *integration* in Valdosta or Gainesville or Macon.

One day, the U.S. Supreme Court and the U.S. Congress will have to face up to the question of de facto school segregation. It'll be interesting.

"LET US STAND TOGETHER"—MAGNIFICENT ADDRESS OF SENATOR BIRCH BAYH IN COLUMBUS, OHIO

Mr. YOUNG of Ohio. Mr. President, during the past year there has been what appears to be a systematic attempt by top administration officials to discredit and stifle free and open coverage of the news and analyses of news events. There must be and there is room in our democracy for legitimate criticism of the press and radio and television reporting. However, far from being mere criticism, speeches made by the Vice President and actions of other top administration officials appear to indicate that there is a conscious effort to suppress criticism.

During the past few weeks a number of news gathering organizations and respected journalists have expressed concern at being ordered to turn over their notes, unpublished files and film to Government investigators. The suspicion that there exists in the highest councils of government a lack of sensitivity to the fragile nature of our concept of freedom is growing.

The distinguished junior Senator from Indiana (Mr. BAYH) recently made an excellent speech regarding the attitudes of this administration toward dissent in the beautiful Capitol at Columbus. I commend his speech to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LET US STAND TOGETHER

(By Senator BIRCH BAYH)

More than a year ago, during the closing days of the Nixon Presidential Campaign here in Ohio 13-year-old Vickie Cole raised a sign that expressed the hopes not only of her hometown of Deshler, not only of the state of Ohio, but the entire country.

The message on Vickie Cole's sign was simple, but it was a message that America wanted to hear. "Bring us Together."

On November 6, 1968 the new President Elect who had seen Vickie's sign and commented on it told Americans that this would be the goal of his administration. And on January 20, 1969, he reasserted this pledge in his inaugural address with these words:

"In these difficult years, America has suffered from a fever of words; from used rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading . . . No man can be fully free while his neighbor is not. To go forward at all is to go forward together."

But tonight, unfortunately, as we look back on the first year of the Nixon Administration we detect not a movement toward unity, but a pulling apart, not words to inspire, but phrases to inflame the passions of discontent. It is now clear from the record of its first year that this administration has embraced the politics of polarization.

On October 30 Vice President Agnew said, "It is time to rip away the rhetoric and to divide on authentic lines. If in challenging we polarize the American people, I say it is time for a positive polarization."

Let us examine just a few of the more disturbing elements in the emerging pattern of this administration—a pattern that I, for one, find rather ominous.

There is the dangerously authoritarian desire to muzzle, belittle and intimidate all those who disagree with the administration. Those who agree with the Nixon Administration are portrayed as patriotic and loyal Americans. Those who disagree are portrayed as disloyal and un-American.

There are the indirect threats of censorship aimed at the news media. It is clear that the Nixon Administration is incapable of recognizing the distinction between respect for a President's views and slavish, unquestioning acceptance of the rightness of those views.

There is the calculated campaign to bring about a polarization of the American people by playing on their frustrations, prejudices and fears. The rhetoric of the Vice President and the policies of the Nixon Administration are aimed at pitting one race against another, one economic class against another, one age group against another, and even one region of this country against another region. For political gain this administration seeks to callously exploit the worst in man rather than appeal to the best in man to build a better nation and a better world.

It is now clear that the Nixon Administration has subscribed to the scapegoat theory of politics in an effort to blame others for its own inability to solve the country's problems. Unlike Harry S. Truman, President Nixon has not realized that as president, "the buck stops here."

This administration attempts to divide the American people into two categories—a silent majority which supports the president, and radical liberals who are a menace to the country's security. This effort is intentionally inaccurate in its assessment of the real situation and dangerous in its implications. It is an exercise in political expediency akin to playing with matches in a fireworks factory.

We need only look back to the first half of this century to see what serious problems can arise as a result. The red scare of the 1920's, the detention of American citizens of Japanese descent during World War II and the McCarthy purge of the 1950's spring quickly to mind as shameful examples of how Americans have been incited to over reaction in the past.

In 1920 Attorney General Palmer, armed

with three thousand deportation warrants, ordered simultaneous raids on "radical" meetings in all parts of the country resulting in the arrest of 4,000 persons. Everyone found on the premises was arrested whether or not the agents actually had warrants for them, whether or not they were members of the Communist Party, whether or not they were aliens or citizens. Others were apprehended in their homes. Even persons attempting to visit jailed members of their own families were arrested on suspicion of affiliation with the proscribed groups. Deportation hearings were conducted without benefit of lawyers for the accused or other judicial safeguards. This was a black day for justice in the United States.

But the significant thing is that such high handed procedure was enthusiastically applauded by a substantial portion of the American public. This was a politically popular thing to do. Fortunately even in the emotional climate of that time a few Americans had the courage to speak out. Charles Evans Hughes, who later became Chief Justice of the U.S. Supreme Court, was one who spoke out forthrightly against "violations of personal rights which savor of the worst practices of tyranny."

The late Senator Joe McCarthy rose to prominence on the American scene at a time when this country was involved in the Korean War. That period in the 1950's was similar, in some ways, to the present. The war had been frustrating and long. Victory was nowhere in sight and the people were weary of the fight. McCarthy had a simple answer to the question of why the most powerful nation in history was mired in a seemingly endless struggle on a remote corner of Asia—American traitors, members of the Communist Party and their "fellow travelers" had betrayed us. Most of us are familiar with the insinuation, innuendo and character assassination which was the trademark of that era. General Marshall, Dwight Eisenhower—no one was secure.

I do not want to be an alarmist, but now, on the eve of the 1970's there is disturbing evidence that the old familiar pattern is beginning to emerge once again.

As we listen to the rhetoric of the Vice President those of us who are students of American history can almost see and hear the late Senator McCarthy standing on the floor of the Senate. For it was Vice President Agnew who set the tone of this administration as early as last October when he said: "Today, we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation. . . . At this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home grown menace, made and manufactured in the U.S.A."

Make no mistake, when the Vice President speaks not only for himself, but for the President. Indeed the President clearly indicated before the entire cabinet last November his approval of what the Vice President had said.

The Nixon Administration is using the age-old political ploy of the leader faced with difficulties he cannot handle—it is the ploy of blaming others, of setting up straw men, of finding internal enemies of the people. Authorities on autocracy and totalitarianism as Friedrich and Brzezinski point out that one of the most prominent characteristics of totalitarian systems is the seeking out of the enemies of the people. Who are the people's enemies? They are those vaguely defined scapegoats, those groups of individuals who appear and disappear from the scene depending on the political climate of the moment.

In the United States today, the enemies of the people are *they*—the source of all our troubles, the focus of statement after statement by the President, the Vice President and other prominent members of the administration.

To Vice President Agnew *they* is an "effete corps of impudent snobs who characterize themselves as intellectuals."

They "mock the common man's pride in his work, his family and his country."

They are the "tiny and closed fraternity of privileged men, elected by one," who package and present the news on network television, "raising doubts about the wisdom of government policy in the minds of millions with a raised eyebrow, an inflection of the voice."

They are "vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed."

To the wife of Attorney General Mitchell *they* are the "liberals" who should be exchanged for Russian Communists.

To the Attorney General himself *they* are "violence prone militant radicals" whom he would be delighted to exchange for academically inclined Marxists.

According to President Nixon, *they* were guilty of "vicious political attack" and "character assassination" in opposing the nomination of Judge Haynsworth and causing his rejection in the Senate.

As long ago as last June in a speech at the Air Force Academy, President Nixon identified *they* as those advocating "unilateral" disarmament.

The list of *theys* is constantly changing, but it continues from speech to speech, from President to Vice President to Cabinet members depending upon the emotional issue of the day. This strategy continues and the polarization of American society continues apace.

Rest assured that if you have problems the administration has a ready diagnosis. If you are a concerned white man, your problem is the result of the black man. If you are black your problem rests on the shoulders of the intellectual who may be either black or white. If you are a high school graduate working to pay off the mortgage on your house, then your problem is that the nation has too many college graduates. If you live in the South, the Midwest or the West and you are worried about the continuation of the Vietnam War or pollution the culprit is the establishment in the Northeast—The New York Times, the Washington Post. If you are concerned about the dramatic increase in crime this last year, you should blame the TV networks. Yes, just like the traveling medicine man of old, this administration has a patent medicine for every complaint.

Perhaps the most dangerous part of this strategy is its design to muzzle free dissemination of the news. No one in public life is unfamiliar with criticism in the public news media. But I wonder if any responsible citizen would tolerate a controlled news system. Some of us may take for granted the value of free speech, freedom of the press and the right to peaceful dissent.

The International Press Institute, representing some 1,600 publishers and editors in non-communist countries, has had considerable experience with the fragile nature of the concept of freedom of speech. It is perhaps worth noting here that the institute, in its annual review of press freedom around the world, has said Vice President Agnew presented "the most serious threat to the freedom of information in the Western World" last year.

The intimidation inherent in the Vice President's attack on the news media is reinforced by the actions of other members of the Nixon Administration. Members of the White House staff, Ronald Ziegler and Herbert G. Klein have routinely called television stations in advance of presidential speeches to ask about plans to comment on the speech and inquire about what any planned editorial commentary is likely to be.

When Eric Sevareid gave an interview to a station in Phoenix, Ariz., following the Agnew speech attacking the networks, a member of the Federal Communications Commission, Leonard Weinless, called the station personally to ask for an audio tape of the interview.

Just three days after he took office on October 31, Dean Burch, Chairman of the FCC, telephoned TV network executives personally to ask for transcripts of their commentaries on President Nixon's Nov. 3 Vietnam speech.

In view of all this it is easy to understand why newsmen everywhere might feel intimidated—despite denials by the administration that any intimidation was intended.

Certainly there is much room for improvement on the part of those who report and analyze the news. But if some of our commentators need improving, so do some of our vice presidents.

We are living in a great nation. Our responsibility is to make it even greater. We cannot accomplish this goal if we are divided. America cries out for love, not hate, for compassion, not selfishness. The 1970's demand individual dedication of purpose, not polarization for political expediency.

Some are timid when faced by the onslaught. Some remain mute fearing that they might become the subject of infinite scrutiny by "Big Brother" in Washington. True, the price of leadership is at times high. But history has dealt harshly with those who abdicated their responsibilities of leadership in the hopes they might continue to lead.

Each of us should remember the comment by Pastor Niemoller a quarter of a century ago in Nazi Germany.

"They came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics. And I was not a Catholic. So I did not object.

"Then they came after the trade unionists. I was not a trade unionist. So I did not object.

"Then they came after me. And there was no one left to object."

To borrow a phrase from President Nixon, let me make it "perfectly clear" that I object to the demagogic, divisive and dangerous tactics of this administration.

I object to the effort to pit one American against another, black against white, young against old, poor against affluent. I object to the calculated effort to mute those who disagree. I object not as a Democrat or as a member of the U.S. Senate, but as a citizen of this country. I object not only to the administration's sins of commission, but to the sins of omission. I object to anything less than an all out effort to finish the unfinished business of America. I object to an administration which suggests spending unlimited billions on an Anti-Ballistic Missile System which will be obsolete before it is built while eight million American children go to bed hungry at night. I object to a President who promises a crusade to improve an environment, but who refuses to spend more than one half of the funds Congress has appropriated to halt pollution. I object to a President who threatens to veto the Health, Education and Welfare appropriations bill when the nation desperately needs more doctors, nurses and trained technicians to protect the public health. I object to an administration which slashes funds for medical research in a nation where last year 325,000 American lives were lost to cancer. And I object to an administration which refuses to provide vigorous leadership for fear it might incur the opposition.

Adequate government for 200 million Americans will not be produced by a policy of polling and pondering which course of action will produce the least resistance or controversy. The average American does not need to be spoon fed, but he admires and appreciates those who "tell it like it is."

The silent majority may be silent, but they are not blind nor deaf and they are concerned with America's problems. They are searching for the leadership and the inspiration this administration has dismally failed to provide. Taking public opinion polls and then directing national policy at the results obtained is not leadership. The American people expect their national leaders to do not what seems politically expedient on the basis of public opinion polls, but to do what is right, not to follow, but to lead. They are white, black, brown. They work, they play. They know sorrow and joy. They have mortgages, frustrations, ambitions, and dreams. They have courage and determination, and the will to do what is right for their country and mankind. I am convinced the Democratic Party can and will provide the leadership to show them the way. In the words of John Fitzgerald Kennedy:

". . . This is a time for courage and a time for challenge. Neither conformity nor complacency will do. Neither the fanatics nor the faint hearted are needed. And our duty as a party is not to our party alone, but to the Nation, and indeed, to all mankind . . .

"So let us not be petty when our cause is so great. Let us not quarrel amongst ourselves when our Nation's future is at stake. Let us stand together with renewed confidence in our cause—united in our heritage of the past and our hopes for the future—and determined that this land we love shall lead all mankind into new frontiers of peace and abundance."

SUPPORT FOR JUDGE CARSWELL

Mr. GURNEY. Mr. President, I would ask unanimous consent to have printed in the RECORD an article from the January 31 edition of the Sacramento Bee, entitled "Negro Attorney Backs Nixon Carswell Choice."

Mr. Flournoy is a distinguished Los Angeles attorney, who served as executive director of the Black Americans for Nixon and Agnew. I ask unanimous consent to insert an article about Mr. Flournoy in the RECORD—a piece written by Morrie Ryskind in his nationally syndicated column last month.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Jan. 31, 1970]

NEGRO ATTORNEY BACKS NIXON CARSWELL CHOICE

James L. Flournoy, a Los Angeles Negro and a possible candidate for secretary of state, has defended President Richard M. Nixon's nomination of Florida Judge G. Harrold Carswell to the U.S. Supreme Court.

Flournoy, an attorney, said he is not familiar with court judgements which some critics use as a basis for opposing Carswell. But he said he sees no reason to oppose the judge on a basis of a white supremacy speech he made in 1948.

"I do not hold it against him," Flournoy said. "And most everybody I have talked with also said they do not consider him anti-Negro. If he came from any other part of the country, this wouldn't have ever been brought up.

"If we believe what he said 20 years ago, then we have to believe him now when he repudiates it."

The judge has said he made the comments in 1948 during the heat of a political battle.

Flournoy has been active in California Republican politics for a number of years.

It all depends, he said, upon "the mother's milk of politics"—that is, whether he receives enough pledges of financial support to run a successful campaign.

[From Human Events, Jan. 31, 1970]

SELECTING THE NEWS

(By Morrie Ryskind)

All the communication media face the problem of what news to use, and it often comes down to a matter of judgment. Still, a suspicious mind—like mine—occasionally wonders whether the cards aren't stacked by those liberals Mr. Agnew has made mention of?

E.g., two press conferences took place at the Beverly Hilton recently at about the same time. One was graced by a band, free drinks, a friendly large crowd and a kindly press as Congressman John Tunney, son of the famous, Gene, announced he would seek the Democratic senatorial nomination to run against the incumbent Republican George Murphy.

I stopped in only for a look-see, since the news was hardly exciting. Tunney had been a de facto candidate for at least a year, covering almost every inch of the state in that time.

The other conference, right around the corner, had neither music nor liquor and but a few newsmen as James L. Flournoy read from a prepared statement. The occasion was the result of State Sen. Mervin Dymally, a colored Democrat, having made local headlines by branding Gov. Reagan and the Nixon Administration—not to say the entire GOP—as insensitive to Negro needs.

Flournoy, a colored attorney long active in California Republican circles, rebutted the charges. He noted various Nixon measures he thought exceedingly promising, and cited figures to show that Reagan had in his uncompleted term appointed more Negroes to responsible positions than had former Gov. Brown in his two full terms.

And he warned against the liberal syndrome of condoning the violence of black militants who took the law into their own hands. It was these "activists" who were polarizing the races and undoing the work of the vast silent majority of Negroes, who had the same aspirations and the same respect for law as the vast white majority.

After his statement, the reporters questioned him—but not with the politeness they gave John Tunney. Three black journalists went after Flournoy hammer and tongs.

And then a white, Tom Brokaw, chief newscaster for the Los Angeles NBC station, got in his licks. Sen. Dymally was, he said, an elected official and so could speak for his constituents—whom did Flournoy represent?

When Flournoy said he believed he spoke for a good many Negroes, Brokaw would have none of it.

I rarely get into these acts, but it was too one-sided. So I noted that after a recent Black Panther confrontation here—in which three policemen were shot—TV had shown a number of militants screaming against "the pigs" but also a colored pastor who said 85 per cent of his people opposed the Panthers and were grateful for the police. Was that statement valid?

Jim Flournoy thought so, but he was shouted down by the black reporters who said the minister had no followers at all and was only a "police lackey." Things were somewhat hectic for a while.

Naturally, at 11 that night I turned to NBC for the news: Mr. Brokaw was there, and so was considerable friendly footage on John Tunney—but there was nothing of Republican Flournoy's answer to Democrat Dymally, not a cotton pickin' word, though some other TV stations carried it.

For Jim held no elective office, you see. Yet, curiously, I have seen NBC show and quote militant blacks who never held office and probably never will. But then, of course, they weren't Republicans.

Early the next morning, Jim Flournoy's house had a Molotov cocktail hurled at it. The bomb smashed the big plate glass window, but luckily didn't penetrate inside. But in its rebound it was powerful enough to burn all the shrubbery in front of the house.

If you're interested, Mr. Flournoy tells me even that didn't make the NBC news at 11 the next night. Jim may have served on Republican boards for 15 years and his wife may be a vice-principal in the L.A. school system—but whom do they represent?

Still, if a Molotov cocktail is thrown at the house of a militant black, the odds are it will make the 11 o'clock NBC news. One must be flexible in these matters, *nicht wahr?*

THE POINT REYES NATIONAL SEASHORE

Mr. CRANSTON. Mr. President, yesterday H.R. 3786, which passed the House on February 10, was referred to the Senate Committee on Interior and Insular Affairs. This bill is identical with my S. 1530 with the exception of one House amendment. The Parks and Recreation Subcommittee chaired by the distinguished Senator from Nevada (Mr. BIBLE) will hold hearings on S. 1530 on February 26.

I am delighted that this legislation is now moving through the legislative process, and I hope that it will be affirmatively acted upon by the Senate and signed into law so that we may finish the acquisition of privately held land and thus complete the seashore. During the recess, two newspapers on opposite coasts commended editorially on Point Reyes, the New York Times and the San Francisco Chronicle. Mr. President, I ask unanimous consent that both editorials be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, Feb. 12, 1970]

BREAKTHROUGH ON POINT REYES

There is both local relief and national significance in the House passage of a $38.3 million authorization for the completion of the Point Reyes National Seashore. As chairman Wayne Aspinal of the Interior and Insular Affairs Committee said, the vote "could mark the beginning of a new decade of constructive achievement" in which "the objectives of the past could become the realities of the present."

Representative Aspinall was commenting upon a new alliance that seems to have been created in the long, not yet completed, Point Reyes struggle. Both the House and the Administration are aligned in assigning higher national priorities to the acquisiton of new park lands. Many other areas of the country may now benefit because of this new mood, brought about by the great public concern that was shown as Point Reyes seemed to be slipping away.

Congress failed last year to pass a single piece of park acquisition legislation. The Budget Bureau had adopted the position in 1969 that no new parks could be created during the next three fiscal years. Now inaction and pinch-penny budgeting have been succeeded by a new sense of urgency about the Nation's park needs.

The Sierra Club and Save Our Seashore played important roles in creating this change of mood. Chairman Aspinall, Northern California Congressmen, and Representatives Taylor of North Carolina and Saylor of Pennsylvania worked to convince their colleagues that a new set of national conservation priorities was needed; they argued that

the issue was not merely a new Northern California park.

The next step toward completion of Point Reyes will occur February 26 when hearings are held before Senator Alan Bible of Nevada, chairman of the Senate Interior Committee's Parks and Recreation Subcommittee. As we have observed, the new mood was the product of great public interest brought effectively to the attention of the House and the Administration. That public concern must be sustained until the bill has been passed and signed by the President and the authorized money appropriated.

[From the New York Times, Feb. 10, 1970]

POINT REYES, THE BIG MOMENT

The House of Representatives has a chance today to do more for the improvement of the American environment than deplore its deterioration. By passing H.R. 3786, favorably reported out by its Committee on the Interior, the House can make certain that Point Reyes National Seashore, north of San Francisco, becomes a reality. At the moment that potentially rich and rewarding project is a patchwork of acquired acreage threatened by the ever-present possibility that the remaining land required for the park will be sold to commercial interests.

The one serious question raised in committee about Point Reyes was that the $57 million involved would prejudice the chances of other parkland acquisitions planned from Fire Island to the Cascades. In a large measure that question has been happily resolved by President Nixon's announced intention to ask for full appropriation of the approximately $200 million already accumulated in the Land and Water Conservation Fund from park entrance fees, taxes on motor boat fuel, the sale of surplus land and other sources.

The House can therefore afford to pass the Point Reyes appropriation in good conscience—the first of its kind by the 91st Congress. In view of steeply rising land prices, the danger of losing the land and the crying need for a more beautiful America it cannot afford to do otherwise.

GUIDELINES FOR ENVIRONMENTAL QUALITY CONTROL

Mr. HATFIELD. Mr. President, in the January 27 issue of the Washington Post there appeared an excellent article by Joseph Kraft concerning the need for establishing responsible guidelines in the national effort to preserve and rehabilitate our environment.

There has been a great deal of rhetoric surrounding the environmental problems of our Nation, but little careful thought given to the full dimension of these issues. In President Nixon's recent statement to Congress on his administrative program for environmental equality, concrete proposals were set forth in the areas of water pollution control, solid waste management, air pollution control, development of parklands and public recreation, and a general plan of organization for a national effort at environmental protection.

I applaud the thoughtfulness and scope of this message and regard the President's statement as one of the most important documents in the fight to save our environment. Before our Nation can hope to make its peace with nature however, there must be established national standards and guidelines by which to judge the problem.

There can be no cure for ecological imbalance until the disease is defined, the carrier isolated, and the cure for the disease established. As there appears to be no section of the United States immune from the threat of environmental disease, it is my contention and that of Mr. Kraft's that the responsibility for setting minimum standards for environmental protection lies with the Federal Government. President Nixon's message to Congress begins to outline this need for uniform standards and penalities in environmental quality. It is my hope that we will see implementation of this aspect of the problem in the immediate future in order that our Nation can begin its efforts toward curbing environmental destruction in a coherent and effective manner.

I highly recommend Mr. Kraft's article to my colleagues and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 27, 1970]

GUIDELINES ARE FIRST NECESSITY IN FIGHT TO SAVE ENVIRONMENT

(By Joseph Kraft)

A hollow ring struck the tinniest ear the other day when the President of Atlantic Richfield said that "the people who love the sky, the mountains and the sea and want to keep them unspoiled are people who love painting and music and theater and the good things of the mind and spirit." And sure enough, it turns out that Atlantic Richfield is pushing to build a pipeline across Alaska that the government fears may spoil the natural beauty of that last frontier.

But few businessmen, and fewer politicos, are so artless. Most know how to come out on the side of nature's angels without leaving footprints that show the cloven hoof of the polluter. So when it comes to preserving the environment a first requirement is a set of guidelines—a means for separating out the real articles from the phonies, the good guys from the bad.

Government control, horrid as it may sound, is one touchstone. The claims, by auto companies and oil companies, that private enterprise can do the job are not persuasive. The most casual look around shows that profits are still more the name of the game for corporations than clear air and water. Somebody will have to set minimum standards—for water and air and noise and the location of facilities. That somebody will have to be the government, and anybody who suggests that it will be possible to improve the environment without a major role for government is—to put it mildly—kidding.

Penalties are a second, important guideline. There obviously are white hats all over the private sector. The United States Steel Company, for instance, has made a noble effort to reduce the pollution caused by its activities. Competing companies are not nearly as sensitive on the issue as Big Steel. And unless penalties—and stiff penalties—are visited upon violators of anti-pollution codes, then the profit incentive will be favorable to the black hats. The white hats will, in effect, be penalized for being responsible.

Not that penalties alone will do the job. Since all of us, in one way or another, are polluters, the sudden application of stiff regulations would probably be no more effective than Prohibition was. The penalties have to be applied with discrimination over a period of time, and against the background of a market strategy that enables companies to stop pollution and still stay in business. And anybody who emphasizes punishment, and punishment only, is looking for political issues, not to clean up the environment.

Then there is the matter of cost. As the President candidly pointed out in his State of the Union message, a cleaner environment is not cheap. But who shall pay? Only those who ask and answer that question deserve serious consideration as parties interested in improving the environment.

Without being dogmatic, however, there is a preferred answer. In principle, the right way to finance the cost of repairing the environment is to charge those who do the damage. Thus the cost of easing up on noise at the airports should not be borne by all of us through direct outlays from the Treasury out of general tax revenues. On the contrary, the cost should be borne by the airlines, who should then pass the burden on to their passengers in higher fares. Similarly with automobiles and power plants. Unless some overriding consideration asserts itself, the cost should be paid by user fees.

Finally, and most important, there is the test of population strategy. The ultimate source of most dirt and noise—not to mention crime, drugs, poor transportation and race tension—is the progressive concentration of more and more and more Americans in metropolitan strips along the two oceans, the Great Lakes and the Gulf of Mexico. As James Sundquist writes in the current issue of the quarterly The Public Interest: "The degree to which population is massed determines the amenability and congenialty of the whole environment."

Any serious environment program, in other words, will have to include some means for promoting dispersal of the population. Perhaps the most encouraging feature of President Nixon's approach is that it takes account, however dimly, of the need to develop for the cities "a national growth policy." Without such a population strategy, improving the environment is apt to end up as just another middle-class enthusiasm—an effort to provide parks and fishing to people for whom life is already agreeable.

To be sure, this check list on the environment issue is not exhaustive. Other people will have other senses of what is most and what is least important. But that is not the point.

The point is that the environment issue does not have to be a politicians' plaything, a mere matter of mouthing mushy words. With a little trouble, discriminating citizens can make the issue come alive, can make the political and business leaders of the country match performance to promise.

CONTROVERSIAL CIRCUMSTANCES SURROUNDING THE ADOPTION OF THE 14TH AMENDMENT

Mr. TALMADGE. Mr. President, there appeared in the January 26 issue of U.S. News & World Report an excellent column by that magazine's distinguished editor, David Lawrence, on the controversial circumstances surrounding the adoption of the 14th amendment to the U.S. Constitution.

In his column entitled, "The Worst Scandal in Our History," Mr. Lawrence details events occurring in 1867 and 1868, leading up to the controversial adoption of this amendment. This column was first published by Mr. Lawrence on September 27, 1957, and it is worthy of repeating today.

I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Jan. 26, 1970]

THE WORST SCANDAL IN OUR HISTORY

(By David Lawrence)

A mistaken belief—that there is a valid article in the Constitution known as the "Fourteenth Amendment"—is responsible for the Supreme Court decision of 1954 and the ensuing controversy over desegregation in the public schools of America.

No such amendment was ever legally ratified by three fourths of the States of the Union as required by the Constitution itself.

The so-called "Fourteenth Amendment" was dubiously proclaimed by the Secretary of State on July 20, 1868. President Andrew Johnson shared that doubt.

There was 37 States in the Union at the time, so ratification by at least 28 was necessary to make the amendment an integral part of the Constitution. Actually, only 21 States legally ratified it. So it failed of ratification.

The undisputed record, attested by official journals and the unanimous writings of historians, establishes these events as occurring in 1867 and 1868:

1. Outside the South, six States—New Jersey, Ohio, Kentucky, California, Delaware and Maryland—failed to ratify the proposed amendment.

2. In the South, ten States—Texas, Arkansas, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi and Louisiana—by formal action of their legislatures, rejected it under the normal processes of civil law.

3. A total of 16 legislatures out of 37 failed legally to ratify the "Fourteenth Amendment."

4. Congress—which had deprived the Southern States of their seats in both houses—did not lawfully pass the resolution of submission in the first instance.

5. The Southern States which had rejected the amendment were coerced by a federal statute passed in 1867 that took away the right to vote or hold office from all citizens who had served in the Confederate Army. Military governors were appointed and instructed to prepare the roll of voters. All this happened in spite of the presidential proclamation of amnesty previously issued by the President. New legislatures were thereupon chosen and forced to "ratify" under penalty of continued exile from the Union. In Louisiana, a General sent down from the North presided over the State legislature.

6. Abraham Lincoln had declared many times that the Union was "inseparable" and "indivisible." After his death, and when the war was over, the ratification in 1865 by the Southern States of the Thirteenth Amendment, abolishing slavery, had been accepted as legal. Yet Congress by law in 1867 imposed the specific conditions under which the Southern States would thereafter be "entitled to representation in Congress.

7. Congress, in passing the 1867 law that declared the Southern States could not have their seats in either the Senate or House in the next session unless they ratified the "Fourteenth Amendment," took an unprecedented step. No such right—to compel a State by an act of Congress to ratify a constitutional amendment—is to be found anywhere in the Constitution. Nor has this procedure ever been sanctioned by the Supreme Court of the United States. President Andrew Johnson publicly denounced this law as unconstitutional. But it was passed over his veto.

8. Secretary of State Seward was on the spot in July 1868 when the various "ratifications" of the spurious nature were placed before him. The legislatures of Ohio and New Jersey had notified him that they rescinded their earlier action of ratification. He said in his official proclamation that he was not authorized as Secretary of State "to determine and decide doubtful questions as to the authenticity of the organization of State legislatures or as to the power of any State legislature to recall a previous act or resolution of ratification." He added that the amendment was valid "if the resolutions of the legislatures of Ohio and New Jersey, ratifying the aforesaid amendment, are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of these States." This was a very big "if."

9. It will be noted that the real issue, therefore, is not only whether the forced "ratification" by the ten Southern States was lawful, but whether the withdrawal by the legislatures of Ohio and New Jersey—two Northern States—was legal. The right of a State, by action of its legislature, to change its mind at any time before the final proclamation of ratification is issued by the Secretary of State has been confirmed in connection with other constitutional amendments.

10. The Oregon Legislature in October 1868—three months after the Secretary's proclamation was issued—passed a rescinding resolution, which argued that the "Fourteenth Amendment" had not been ratified by three fourths of the States and that the "ratifications" in the Southern States were "usurpations, unconstitutional, revolutionary and void" and that, "until such ratification is completed, any State has a right to withdraw its assent to any proposed amendment."

What do the historians say about all this? W. E. Woodward, in his famous work, "A New American History," published in 1936, wrote:

"To get a clear idea of the succession of events let us review [President Andrew] Johnson's actions in respect to the ex-Confederate States.

"In May, 1865, he issued a Proclamation of Amnesty to former rebels. Then he established provisional governments in all the Southern States. They were instructed to call Constitutional Conventions. They did. New State governments were elected. White men only had the suffrage [the Fifteenth Amendment establishing equal voting rights had not yet been passed]. Senators and Representatives were chosen, but when they appeared at the opening of Congress they were refused admission. The State governments, however, continued to function during 1866.

"Now we are in 1867. In the early days of that year [Thaddeus] Stevens brought in, as chairman of the House Reconstruction Committee, a bill that proposed to sweep all the Southern State governments into the wastebasket. The South was to be put under military rule.

"The bill passed. It was vetoed by Johnson and passed again over his veto. In the Senate it was amended in such fashion that any State could escape from military rule and be restored to its full rights by ratifying the Fourteenth Amendment and admitting black as well as white men to the polls."

In challenging its constitutionality, President Andrew Johnson declared in his veto message:

"I submit to Congress whether this measure is not in its whole character, scope and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure."

Many historians have applauded Andrew Johnson's words. Samuel Eliot Morison and Henry Steele Commager, known today as "liberals," said in their book, "The Growth of the American Republic":

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and most impartial students have agreed with his reasoning.

James Truslow Adams, another noted historian, wrote in his "History of the United States":

"The Supreme Court had decided three months earlier, in the Milligan case, . . . that military courts were unconstitutional except under such war conditions as might make the operation of civil courts impossible, but the President pointed out in vain that practically the whole of the new legislation was unconstitutional. . . . There was even talk in Congress of impeaching the Supreme Court for its decisions! The legislature had run amok and was threatening both the Executive and the Judiciary."

Andrew C. McLaughlin, whose "Constitutional History of the United States" is a standard work, asked:

"Can a State which is not a State and not recognized as such by Congress, perform the supreme duty of ratifying an amendment to the fundamental law? Or does a State—by congressional thinking—cease to be a State for some purposes but not for others?"

The Supreme Court, in case after case, refused to rule on the illegal procedures involved in the alleged "ratification." It said simply that they were acts of the "political departments of the Government." This, of course, was a convenient device of avoidance. The Court has adhered to that position ever since Reconstruction Days.

This is the tragic history of the so-called "Fourteenth Amendment"—a record that is a disgrace to free government and a "government of law."

It is never too late to correct injustice. The people of America should have an opportunity to pass on an amendment to the Constitution that defines, for instance, the respective rights of the Federal Government and the States to regulate public schools.

The basic principles of the "Fourteenth Amendment" could well be reaffirmed. The mandate that a State shall not pass any law which denies the citizen "due process" or "the equal protection of the laws" is a necessary restriction.

Many important decisions have been rendered by our courts on the assumption that the "Fourteenth Amendment" is valid, but the Supreme Court could create a grave crisis someday if it finally decided to pass upon the legality of the so-called "ratification," and did formally declare the amendment dead. It is desirable, therefore, promptly to clarify the situation, and this can best be done by letting the people themselves express their will under the procedures provided in the Constitution itself.

It is the only effective way to undo the wrong committed 100 years ago.

FEDERAL REASSESSMENT OF NATION'S PRIORITIES

Mr. PELL. Mr. President, the American Council on Education speaks with the voice of hundreds of colleges and universities throughout the country.

Recently, its Federal relations commission issued a statement succinctly delineating the contradiction of today when Government is lessening its support toward the higher education of our young people at the very same time that more young people seek and need higher education. It described the problems faced by the colleges and the need for Federal action to assist in meeting these problems. The commission has laid out a general program which I think it wise for the Senate to consider. I ask unanimous consent to have printed in the

RECORD the text of the statement, which calls for the Congress and the administration to reassess our current order or priorities.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COUNCIL COMMISSION ASKS FEDERAL REASSESSMENT OF NATION'S PRIORITIES

The document *Federal Programs for Higher Education: Needed Next Steps,* to which this statement is appended, was prepared in November 1968, and formally issued by the Board of Directors of the American Council on Education in January 1969. At the time, it represented the views not only of the American Council on Education but also of virtually every other major association of higher education. The assessment of the strengths and weaknesses of existing programs and recommendations for needed next steps were remarkably similar to those independently issued by several Presidentially-appointed task forces, made up of some of the nation's most distinguished educators.

The tone of the document was one of qualified confidence. Despite some obvious and remediable shortcomings, the Federal support of higher education was being established on a firm base as every administration in the last two decades, the Congress, and the educational community carefully drafted a series of acts designed to strengthen higher education at every point. We were within sight of achieving goals long proclaimed, but never realized:

Removal of financial and racial barriers to an appropriate post-high school education for all who aspired to it.

Ready access to higher education through the construction of facilities in two-year, four-year, and post-graduate institutions in every section of the country.

Development of high quality graduate institutions in every region, in recognition that such institutions represent a national resource.

Firm and predictable support of basic scientific research with obviously needed expansion into the social sciences, the humanities, and the arts.

A marshaling of higher education resources to attack the many social and physical problems created by an increasingly urban society.

The confidence with which the Council assessed the 1968 climate and presented its programs for future action was qualified largely by the financial strains under which all institutions were then laboring. Many of our private institutions, even the strongest ones, were operating with deficits and eating into their endowment fund capital. Many public institutions, even in our wealthiest states, were having to turn away qualified students because of lack of space and inadequate state appropriations. The clear need was for the Federal Government to assume responsibility for a larger share in the support of the entire system of higher education.

In the fifteen months that have elapsed since the preparation of the basic Council document the climate has changed rapidly and for the worse. Far from building on the foundations already laid, there appears to be a move to dismantle the structure. In the face of rapidly rising enrollments and costs, funding in many cases has been reduced or even eliminated. Support of fundamental research, upon which all applied sciences and the training of the next generation of scientists must rest, is withering under the blight of leveling appropriations and increasing costs. Among the changes already proposed or seriously being considered are the following:

Further reduction of an already inadequate program of direct student loans and insufficient support for other student aid programs.

Elimination of all grants for the construction of needed academic facilities.

Further moves to get all loan programs "off the budget" and into the private market, even though such a shift can in no way alter the inflationary impact inherent in all large loan programs.

Elimination of graduate fellowship programs in some agencies and drastic reductions of similar programs in others. This reversal of direction will have the dual impact of reducing sharply the number of students supported and the cost-of-education funds upon which the graduate schools have relied.

Reduced funds for college libraries, the training of librarians, and the cataloging services of the Library of Congress.

Elimination of all support for foreign area studies and language centers.

Elimination of payments to the land-grant colleges for broad instructional purposes.

The abandonment of many programs, authorized but unfunded, that promised to strengthen the entire system of higher education.

Looking ahead, we see a body of opinion advocating that higher education be increasingly "transferred to the market place." The argument seems to imply that the recipients of higher education are the only persons benefited and that they should be expected to pay its full costs. There is an inclination to downgrade the benefits that society reaps, to ignore the future tax revenue to be derived from those who *do* increase their earning capacity, and to overlook the countless thousands whose education will pay off in service to society rather than in personal monetary rewards.

Thus the trend is toward reduced societal support for education at both the state and the Federal level. In its place would come sole reliance on a policy of allowing charges for higher education to rise to their full costs. The gap between costs of education and student resources would be met by loans that would burden a student for life. This burden would remain, even if there were some subsidized assistance for the most impoverished citizens and for those whose prospects for high earnings are never realized.

Although we strongly support loans as a *part* of student assistance, we find excessive reliance on loans deeply disturbing on two counts. In terms of history, no nation has ever before achieved the level of education made possible by our local, state, Federal, and private investment. We believe that our nation's unmatched level of productivity and well-being is largely a result of that investment. Ironically, however, no other nations—including the most impoverished—are now giving serious thought to reducing their public investments in higher education in the face of increasing demand. The world trend is in the other direction. For example, England and many continental countries are just now beginning to realize the economic and social handicaps they have imposed on themselves by their failure to invest more in higher education. We believe that the nation must renew its determination to strike a balance between public and individual investment in paying the costs of higher education.

We reiterate the proposals and programs called for in *Needed Next Steps.* They are sober statements of what we believe the most affluent nation can afford and must invest, if that affluence is to be continued. We reject the notion that the burden can and should be shifted mainly to the next generation. Specifically we believe that there must be:

1. A *sustained* commitment by the Government to the financing of existing federally supported higher education programs. There is still no way that institutions can be sure that apparent commitments made in one year will be honored by the Government in a succeeding year. Instability is increasing rather than decreasing.

2. A continuation of the existing combination of opportunity grants, payments for work-study and loans. All three elements are needed. The economic and social doctrines under which the student would pay for the greater part of the entire cost of his education through loans are unacceptable.

3. If higher education is to meet the demands placed upon it by society, a substantial construction program will be required, and it can not be financed unless large grants, as well as loans, are made available to institutions by the Federal Government.

4. Beyond adequate funding for existing programs, the principal unfinished business of the Federal Government in the field of higher education is to provide support for general institutional purposes.

In this spirit the American Council on Education calls for a reassessment by the Congress and by the Administration of our current order of priorities. If the aspirations held by the nation outstrip its revenues, they do not outstrip its resources. We believe the nation should tax itself to the extent necessary to meet the needs of its youth.

Commission chairman is Howard R. Bowen, professor of economics, Claremont Graduate School and University Center. Members are: Jerome H. Holland, president of Hampton Institute; Peter Masiko, Jr., president of Miami-Dade Junior College; Pauline Tompkins, president of Cedar Crest College; David B. Truman, president of Mount Holyoke College; Sanford S. Atwood, president of Emory University; Robert R. Martin, president of Eastern Kentucky University; Gregory Nugent, F.S.C., president of Manhattan (N.Y.) College; Lewis C. Dowdy, president of Agricultural and Technical College of North Carolina; Ferrel Heady, president of University of New Mexico; Gilbert Lee, vice-president for business and finance, University of Chicago; Donald R. McNeil, chancellor of University of Maine; Robert R. Huntley, president of Washington and Lee University; Robert W. Morse, president of Case Western Reserve University; David W. Mullins, president of University of Arkansas; and Arthur M. Ross, vice-president of state relations and planning, University of Michigan.

Members of the Council's board of directors who are ex officio members of the commission are Norman P. Auburn, president of University of Akron; Kingman Brewster, Jr., president of Yale University; Theodore M. Hesburgh, C.S.C., president of University of Notre Dame; and Keith Spalding, president of Franklin and Marshall College.

John F. Morse of the Council staff is director of the commission.

FAILURE IN HOME CONSTRUCTION

Mr. PERCY. Mr. President, the housing crisis has reached disastrous proportions. In 1968, Congress established the goal of creating 26 million new or rehabilitated housing units in the next decade, a sizable proportion of which were to help house lower income persons. Yet, a review of this goal today shows that it is merely a show and delusion unless drastic steps are taken soon by Congress and the administration.

Look magazine published a most informative survey of the housing scene on February 10 which deserves careful reading by all of us. In it is spotlighted the burdens the potential homeowners are facing—constantly rising costs as a result of inflationary pressures from land, labor, and material costs. Archaic zoning laws and building codes contribute to the problem.

As the population expands and as existing housing deteriorates, millions of new units are going to be required in the decade of the 1970's. Lower income fam-

ilies in particular need and deserve better housing. At the rate we are going, however, housing is going from bad to worse. The United States prides itself on its production and technological ability. Yet, in this area, the Soviet Union and nations of Europe are outbuilding us.

Improvements can be made through increased reliance upon new towns, mass production methods, and mobile homes. But, this will not strike at the heart of the problem. Money and organization are the key roadblocks. Until they are overcome, all other efforts will prove less than adequate.

Congress has failed to provide the necessary money to fund the housing programs. It and the executive branch have performed inadequately in stopping inflation and in providing necessary financial assistance to the housing industry so that it is not always the scapegoat to hard times. And HUD, in spite of the praiseworthy innovative efforts of Secretary Romney, has yet to effectively turn around its orientation and efforts to meet the threatening disaster.

The troubles facing the housing industry were also well documented in the Sunday, February 8, 1970, issue of the Washington Post in an article by Leonard Downie.

Mr. Downie also points out how money and organization are the root failure. HUD has given little direction to private investors, churches, labor unions, and other nonprofit organizations to assist them in building homes for lower-income groups. Even experienced housing groups have met interminable delays. A major impediment has been the FHA who, as in the case of so many established organizations, has become philosophically encrusted and is finding it exceedingly difficult to change direction away from almost total concentration on middle-income homeowners.

In the 90th Congress, we enacted the National Homeownership Foundation. This new organizational concept was created to provide a new orientation and direction in attacking the housing needs of lower-income persons. Up to now, however, Congress has failed to fund this program. The consequence has been predictable—failure.

It is to be hoped that we will soon wake-up and begin to take the necessary actions to breathe new life in the housing field.

In that line, another innovative housing program got underway recently, as reported in the New York Times by Jack Rosenthal. This is the National Housing Partnership program which, under the able direction of Mr. Carter L. Burgess, intends to turn $50 million of investment into nearly $2 billion in low-income housing. The investment, to be obtained from private sources, will be raised to provide a quarter of local capital needed to meet the 10 percent downpayment requirement for private mortgage assistance. The remainder of the necessary capital will come from local private sources. As an added inducement for attracting needed capital, tax benefits are available through accelerated deductions for depreciation.

This program deserves the support of all of us as we struggle with measures to circumvent the organizational hangups, misdirections, and Federal financial starvation that presently exists.

A good example of these problems was documented in a recently issued General Accounting Office report relating to HUD's administration of the leased-housing program.

In this report, the GAO found that HUD, in operating this program, had provided inadequate assistance and guidance to local housing authorities needed to stimulate greater and more effective efforts to locate and lease suitable vacant housing. It was also found that only somewhat more than half of the units authorized to be leased had, in fact, been leased. All regions were behind in their program schedule and some were 11 to 17 months behind. In addition, through lack of direction and guidance, many local housing authorities had not put forth sufficient efforts to locate and lease available dwelling units that were suitable or could be made suitable. More serious in nature, local housing authorities under HUD's approval and encouragement, had first, frequently made leased housing available to persons already occupying standard housing while thousands of other persons continued to live in substandard housing; second, negotiated higher lease rates for such housing than charged to occupants prior to their coming under the program; and third, made lower-income leased housing available to persons having large asset holdings.

The GAO indicates in its report that HUD and the local housing authorities have made substantial improvement since 1968 in managing this program. But, the evidence also shows that far more creative and constructive effort is still required. I know Secretary Romney is working hard to reorganize HUD's housing operations. He should be applauded and encouraged in this effort. The process will at best be slow, however. A need definitely exists to place greater orientation on innovative and private efforts as exemplified in the national homeownership foundation program.

I ask unanimous consent that the Look magazine, Washington Post, and New York Times articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Look magazine, Feb. 10, 1970]

HOUSING—FROM CRISIS TO DISASTER?

(By John Peter)

If you are worried about the high cost of housing, here's some bad news for you. It's going to get worse and worse.

The average American knows more facts about living on the moon than about housing here on earth. We have beaten the Russians to the moon twice, but in housing, they are beating us badly. They are now putting up more than two times as many dwelling units a year as we are. Their apartments may be Spartan by our fanciest standards, but they certainly look good to a lot of underdeveloped nations and to many of our rat-plagued ghetto dwellers.

Even if we discount Soviet housing, the blunt fact is that nearly every country in Western Europe now outproduces us. And nobody ever accused the Swedes of Spartan living.

Meanwhile, in the U.S., that alarm signal, the vacancy rate for all types of housing, is flashing a dangerously low 2.4 percent—New York City is running a nightmarish one percent. In 1961, in New York City, about 60,000 apartment units were produced. In 1968, only 15,000 were completed—a 75 percent drop in just seven years.

One of the city's largest builders explains, "If we put up a luxury apartment building on a site in Manhattan, the best we can get is $4 a square foot in rent. If we build an office building on the same site, the least we will get is $10 a square foot, and no headaches from the tenants either. Need I say more?"

New construction in New York is so down that it is not even keeping up with abandonment. "We're losing good buildings at a faster rate than we can replace them," says Morton Isler, program manager for housing at the Urban Institute. "Landlords and public-housing authorities are running in the red and can't provide proper maintenance."

Housing is by no means a crisis confined to the big cities. About half the substandard housing in the U.S. is in rural areas.

Housing takes the biggest single bite—some 26.3 percent after taxes—out of the average family's living everywhere. "For the poor, it often reduces living to mere existence," says real estate agent Fifi Nicholas of Manhattan's Gotham Realty Company. "They often spend almost all their income just for shelter." Housing costs have been zooming twice as fast as other costs of living. If you haven't been hit hard yet, you and your children soon will be. Almost one-half of American society is now being priced out of new housing. Our national goal, established by congressional law in 1968, is 26 million houses and apartments in the next ten years. We are failing to meet that goal by nearly half. With the booming post-World War II baby crop moving out of school systems and breeding babies of their own, estimates are that over the next 30 years, we will have to build nearly as many units as now exist in the entire United States.

We are in a crisis condition because we have been misled by myths. Housing myths, like most myths, may have some basis in fact, but they are not really true.

LABOR

We have seen construction-industry labor go from underdog hero to a special-privileged heel. House-hungry Americans find it pretty difficult to sympathize with make-work locals that restrict the width of a paintbrush. It appears downright punitive that a Los Angeles builder had to pay an operating engineer $5.59 an hour to do nothing but turn an air compressor on and off.

Negroes are developing a black rage at lily-white apprenticeship policies. There are no exact statistics on the numbers of blacks now in the building-trade unions, but a 1967 survey by the Federal Equal Employment Opportunity Commission reported that nearly all worked as laborers or at other relatively low-paying trades. The percentage of Negroes in higher paying categories was infinitesimal. For example, only 0.2 percent were plumbers. In the Massachusetts building trades, there are 3,134 white apprentices and 58 black. The unions maintain that few "qualified" Negroes apply, but the unions, of course, control the "qualifications."

Labor leaders' big cop-out is the "skills" required in the building industry. At a time when we can train a man to be a soldier in a high mechanized army in a matter of weeks, we ought to be able to teach that man to be a carpenter, plumber or truck driver.

Labor-contract settlements this year have set records across the country. Construction unions have been getting contracts calling

for raises in wages and benefits adding up to 15 percent. Carpenters in Connecticut signed a contract with a 20 percent increase in the first year, and a 55 percent one by the third. Though less than half of housing labor is organized, the boosts spill over.

Yet when we narrow the blame for the high cost of housing on the high cost of labor, we are wrapping ourselves in a most popular myth. Despite skyrocketing wages, on-site labor's percentage of the cost of homes has actually been decreasing over the years. According to the National Association of Home Builders, on-site labor, which constituted 29 percent of the housing sales price in 1944, was only 18 percent in 1964. The relative decline is attributed partly to labor productivity, but the big reason for the relative reduction is that other costs have risen even faster.

MATERIALS

Building materials are a much more substantial cost item in a home than on-site labor. They run from two to three times as much. Material prices have been going through the roof, partly because we have been using increasingly sophisticated and prefinished materials and partly because our limited supply of lumber is in high demand as the basic ingredient of our outmodel handicraft method of building homes. Fir plywood, for instance, costs almost twice as much today as it did a year ago.

Yet we would be deluding ourselves with still another housing myth if we put the big blame for the high cost of homes on materials. Both on-site labor and materials together represent only about half of an average house.

LAND

The costs of labor and materials are outpaced by the price of land—up 300 percent since 1950. The price per acre in metropolitan areas jumped 10 to 25 percent last year alone. Total site costs range from an average low of $1,684 in Maine to a high of $5,890 in California—excepting that paradise-island state of Hawaii, where they run an out-of-this-world $11,259.

Land prices also have an important indirect effect on the price of housing. Builders inevitably put more expensive and larger houses on higher priced land. Over 30 percent of the single-family dwellings built in 1968 were in the $30,000 bracket.

The only myth about land prices is that we are ready to do anything about them.

MONEY

It is not the root of all housing evils, but the terms of the loan are the biggest single factor determining occupancy costs. With the prime interest rate up to a record high of 7.5 percent, FHA 30-year mortgages come to a staggering 8.57 percent—a rate bumping up against the legal usury ceiling in many states. Homeowners are paying the equivalent of ten percent in some instances. Where statutory ceilings of 7.5 percent are in effect, as in New York and New Jersey, borrowers pay as much as eight "points" to lenders for securing the loan. This effectively raises the interest rate one percent or two percent over the life of the loan.

To make monthly home payments even tougher, many lenders, wary of future inflation, want their money back sooner. Mortgage amortization periods are being shortened from 30 to 25 years, it also takes more cold cash to get in line for a mortgage. Last year, down payments had gone up as much as $2,000 on medium-priced homes—they've bounced higher in some sections where the market is extra tight. To put the cost of money in proper relation to other housing costs, a builder of a $20,000 house, for example, would have to cut development and construction costs a whopping $1,600 to offset a one percent rise in mortgage rates.

Yet, despite record rates, there is a desperate shortage of mortgage dollars. Young Paula and Robert Weil of Savannah, Ga., with one daughter, said to me, "For two years steadily, we have been looking at houses. Every week we come back to our apartment more discouraged. We realize now we may have to wait five years to get enough income to afford present interest rates."

MASS PRODUCTION

One of the fondest myths about housing is mass production. On the face of it, there seems no sensible reason whatsoever that the world's most industrialized nation cannot produce houses like automobiles. Yet countless corporations since Lustron, which moved 1,443 parts down an automated assembly line with eight miles of conveyor at Willow Run 20 years ago, have lost their shirts trying just that. Industrialization is the hot word in housing today. There is no doubt that increasingly large and complex factory-built components will speed construction and cut on-site labor costs. Any illusion that such developments will halve costs is rapidly dispelled by realities. The unvarnished truth is, we will have to speed up our industrialization just to stay ahead of costs if they continue on their present climb.

Enthusiasm for the many advanced prefabrication methods of Europe must be dampened by the fact that over 400 of these industrialized systems are available for licensing here with almost no takers. Inventories, warehousing and transportation as well as the more expensive materials-handling equipment that these require tend to offset savings. More than anything, prefabrication's European success is built on the availability of single big purchasers—usually, the central government. Incidentally, this is the same customer appreciated by our remarkably successful space industries.

At this point, no one foresees the Federal Government, state or city in a major purchasing role, save in some subsidized housing for the lowest income group. Today, the worst is happening. Escalating costs have caused a stop on all New York City U.S. financed low-income projects since July. The Government puts a construction-money limit of $3,120 a room on units built with its aid. On its last proposal, the lowest bid the city received was $4,200.

Former auto man and now energetic head of HUD—Department of Housing and Urban Development—George Romney told me, "There isn't any undeveloped market bigger than the housing market." But in his "Operation Breakthrough" program, he is putting emphasis on financing, land and planning instead of relying on unassisted technology.

Hustling mobile-home manufacturers now supply over 25 percent of our single-family dwellings. Parlaying standardization with more favorable factory wage rates and smart merchandising, they have been the pressure tank that has kept our housing crisis from exploding long before now.

Yet it would be a mistake to overestimate their present mass-production capabilities. The housing that moves down their assembly lines is put together by hand labor using conventional craft skills. Even the wildest mobile-home enthusiasts admit that the industry is inadequately capitalized to seize upon its many expansion opportunities.

Our problem is not primarily technology. Any number of industrialized building systems can give us high production if not immediately lower prices.

NEW TOWNS

Europe's most appealing answer to its housing needs is satellite cities started from scratch. There is nothing new about the idea, but the post-World War II new towns like Scotland's Cumbernauld, Finland's Tapiola, Sweden's Farsta and Vallingby have sent sampling Americans home in raves. However, they were quick to discover that European successes rest on governmental activity that is unprecedented in the United States. For example, the city of Stockholm has built its own satellite towns on land in the surrounding countryside that it acquired more than a half century ago.

There are new towns in the U.S., but few of them are really "towns." Most are emerging, in the words of Robert C. Weaver, former Secretary of Housing and Urban Development, as "country club communities for the well-to-do."

City building is simply much more expensive than almost any private developer can afford. It demands enormous investments, "front money" in land, streets, lights, sewers, planning construction, etc. "You have to build the city before you can sell it. Even if you can get that much money, the interest alone will kill you," explained one half-dead urban developer. Even Robert E. Simon ran out of money with his attractive new town, Reston, Va.

The shining exception is James Rouse's Columbia, between Baltimore and Washington. Just about all U.S. new-town hopes are riding on Rouse, but Columbia's success may only prove he is an absolutely remarkable and unique entrepreneur.

New-town building is proving about as difficult as a privately financed trip to the moon. Almost the only institution with money enough to finance packaged cities with the social objectives and scale required is the Government. Despite the loan guarantees of the helpful 1968 Housing Act, big Federal funds will not come easy.

Hard-pressed big-city mayors, for instance, see new towns as diverting national resources from central-city needs. They also view them as just one more middle-class escape hatch.

It's easier for any developer to build the million-dollar golf course, which pays off quickly, than it is to persuade a frequently resentful rural county to spend for new policemen, firemen, schools, libraries, hospitals, etc., vital to any new city. It's easier to build the shopping center than it is to lure private industries that will create the jobs essential to any self-sustaining town. New towns, in real numbers, should and likely will be built, but they won't be quick enough to soften this housing crunch.

There is no one solution to housing costs, as there is no one cause. Countless investigating committees have recognized this. The Douglas Commission on Urban Problems offered 149 recommendations, and the Kaiser Committee on Urban Housing, 119. "There is," said Connecticut's Sen. Abraham Ribicoff, with some feeling, "no shortage of solutions. There is a shortage of commitment."

CODES

We have perverted building codes, which were ostensibly established to provide buyers with a safe house and honest value into a device to make work for outdated union skills and to protect markets for outmoded materials.

There are over 5,000 different local building codes in the U.S.—85 in the Chicago area alone. Imagine mass producing autos or anything else to conform to standards varying from one city to another. True mass-produced housing by private industry is wishful thinking without a national building code or Federal standards.

ZONING

We have twisted zoning, which can legitimately protect residential environment from the intrusion of industry, into a discriminatory device to exclude citizens of lower income or different color. Polite zoning talk of setbacks, density and preserving the amenities of the neighborhood is often double-talk for, "Let's keep out those young development families who will load our school system with all their kids." There is simply no answer to wild land prices except sensible regional planning with authority. The real road block is that such reform means giving up some of the beloved localism that is a fundamental article of American faith. Futurist Buckminster Fuller, whose factory-built Dymax-

ion house died in the web of local codes and zoning, pedicted when I first met him decades ago, "Man's first modern house will be built on the moon." Bucky may be right, if a subdivider doesn't get their first.

FEDERAL GOVERNMENT

Another non-mythical cause of high housing costs is our two-faced attitude toward the Federal Government in this field. We voted FHA funds to underwrite middle-class homebuilding in the suburbs but think it sinful to spend adequate sums for the poverty-stricken in the city or on the farms. We tolerate the standard practice of Congress which amounts to passing housing bills with tub-thumping applause but quietly cutting the heart out of them when it comes to funding.

Everyone, for instance, agrees on the need for Federal research in housing. Yet when it comes to the budget, defense research gets $7 billion per year; space research, $4 billion; agricultural research, $600 million—30 times as much as the approximately $20 million allotted to HUD.

It is no fiscal accident that the most promising experimental project in low-cost component construction is being undertaken by the well-budgeted Defense Department for families at California's George Air Force Base.

Federal funds allocated on a year-to-year basis make long-range planning highly hazardous. What is needed, before any sizable corporation or consortium can seriously invest money to produce shelter, is, not programs, but public policy with a semblance of continuity. Housing will continue to be "the industry capitalism forgot" until we remove the bulk of the constraints and create a sane market. The most laudable objectives of thinly financed Operation Breakthrough is to do just that.

ATTITUDES

The biggest barrier to such a market is our own attitudes of what a house should be. We still dream the impossible dream of an English manor house on a green estate and settle for ticky-tacky houses all in a row. Put bluntly, there will be approximately another 100 million of us in the next 30 years without any increase in land around employment centers. We simply have to learn to live closer together. Part of the difficulty is that our prejudices against mixing racially and economically hide behind our white picket fences.

Because it is not our tradition, we tend to forget that remarkable civilizations flourished in the attached dwellings of Greek and Roman towns. We should discover the rewards of planned clustering instead of suburban sprawl; the advantages of density to save common land for leisure and recreation. We have to build privacy and quiet into the structure of our homes and not hope that a slim strip of grass will create them.

Put frankly, if we look fondly to the economics of mass production, we have to recognize the values and beauty of houses made of steel, glass, aluminum and plastic. Natural materials like wood and brick, with their unmatched human appeal, will hold a place as veneers and finishes to bring warmth to interiors, but inorganic materials are the requisite basis of precision-machine fabrication. In the future, wooden houses will be as hard to come by as wooden automobiles, and equally difficult to finance.

One of the dreadful problems that plague housing solutions is that genuine citizen concern is short lived. "I got mine" usually signals the end of active interest.

It is a safe bet if you have read this far, you are more concerned than the average American. As a nation and as individuals, we have to disabuse ourselves of myths and totally change our minds about housing—or else housing costs will continue to go higher and higher. They may get so high in the '70's that we will finally do something about them.

This man is betting $2 billion he has the answer.

Jim Rouse's satellite city is the odds-on favorite to be the first successful new town in the U.S.A. It is, in fact, almost the only one still in the running. Columbia, Md. 21043, is located on 15,000 acres of what was, a few years ago, rolling Howard County countryside between Baltimore, Md., and Washington, D.C. While Columbia is the product of many minds, the driving spirit behind it is James W. Rouse, whose appearance suggests minister more than mortgage banker. Combining the qualities of both, Rouse is determined to make a financial success as well as a sociological breakthrough. After acquiring his acreage in top-security piecemeal style, he enlisted planners, sociologists, educators, religious, cultural and medical leaders to blueprint "how people ought to live if you could do it all over again." Columbia's seven villages group around an urban downtown, with 3,200 acres set aside as parks, lakes, woodlands and golf courses. Today, 6,000 of Columbia's future total of 110,000 residents already live there, with amenities characteristic of many new communities. But they also share highly unusual ones, like the Merriweather Post Pavilion of Music, summer home of Washington's National Symphony Orchestra. Rouse's high aims and solid performance have lured companies to create all-important jobs. General Electric will build a $350,000,000 "appliance park." Johns Hopkins has even been persuaded to staff a "satellite" hospital with an experiment in community health. "It is easier," says Rouse, "to do the big job that provides real answers than to undertake timid projects that provide only partial ones."

[From the Washington Post, Feb. 8, 1970]

U.S. EFFORT TO HOUSE POOR HELD FAILURE

(By Leonard Downie, Jr.)

Washington Post Staff Writer

For a decade, the federal government has experimented with subsidizing private business and "nonprofit groups" to build housing for the poor. Congress has provided during the 1960's what everyone believes is the most imaginative legislation possible.

But many congressmen, top Nixon administration housing officials, and an emerging cadre of professionals and volunteers trying to build the housing for the poor agree the job simply is not being done.

For less housing than Congress planned for "low" and "moderate" income families has been built under the once promising new programs.

The little housing that has been built has not been available to most of those families statistics show need it most. It has gone mostly to the richest of families eligible under government regulations.

Optimistic plans for renovating many of the basically sturdy but rundown houses and apartment buildings of city slums for low-income families have failed to achieve significant results.

This is the case despite the fact the government has a supermarket of subsidies to offer builders of housing for the poor through the Housing Act of 1968, which President Johnson called a "Magna Carta to liberate our cities."

The reasons the experts give for the failure are varied.

Although Congress has passed bold legislation for housing the poor, it has failed to appropriate the money that the Department of Housing and Urban Development says it needs to carry the laws out.

The nationwide credit squeeze and rising mortgage interest rates also have hurt, because most of the government subsidies go to insuring and paying part of the interest on mortgage loans made by private sources for construction or renovation of the housing.

The most costly item, however, the one that keeps rents in the subsidized projects so high that low-income families can't get into them, is land.

"Land control"—the ability to get the land needed for subsidized housing programs at a much lower cost, or with a further federal subsidy—is listed as a "must" need by every expert in housing for the poor, in and out of government.

There has been little over all direction from HUD for private investors and the churches, labor unions and civic asociations that form nonprofit or limited profit groups and corporations to build low income housing.

They usually know little about construction, mortgage financing, or the red tape of HUD's Federal Housing Administration. An Urban America, Inc., book of instructions and official forms for such a group to use to process a housing application contains 280 pages and 70 forms.

Even experienced groups with housing experts on their staffs, like Washington's Housing Development Corporation, have run into interminable delays in the FHA process. Delays of one and two years between initial application and the beginning of construction are common.

Part of the delay comes from still another problem plaguing efforts to build housing for the poor: rising construction costs.

They are going up fast, especially for renovation of existing slum buildings, that FHA, which requests to a data bank of costs for past projects, often refuses to approve construction cost estimates or even the most experienced nonprofit housing groups.

FHA has also had difficulty changing from an agency that primarily insured mortgages on safe middle class home investments to one that many expect to take the leadership in the risky redevelopment of the slums.

HUD Secretary George Romney says he knows about all this and wants to do something about it.

He is reorganizing HUD to separate the insurance and housing production functions and to give priority to providing housing for the poor, with emphasis on finding new technology for the task.

A top aide to Romney says HUD is preparing "'dramatic and possibly controversial" proposals for still more legislation and changes within HUD designed to refine and operationally improve the pioneering housing laws of the '60s.

Experts like Channing Phillips of Washington's Development Corporation, who work with HUD every day in trying to get the housing built, say they like what they have seen so far of the new direction there.

They fear, however, that the nation lacks the strong commitment to provide decent housing that is necessary to get enough money spent and enough of the old rigid rules made more flexible.

The nation had already made a formal commitment in the 1930s, reinforced by the Housing Act of 1949, to provide "a decent home . . . for every American."

For millions of upward bound white Americans, the promise came true as FHA and its predecessor and sister agencies provided the insurance and other backing for their migration to comfortable homes in the suburbs.

After World War II, to provide a way station for poorer people not yet ready to rent or buy a decent home, the government embarked on building public housing projects. Many have become government-built ghettos for very poor, mostly black tenants. Many units suffer from disrepair and run up losses for the local governments that own them.

The housing laws of the 1960s constitute an entirely new approach. The government would finance indirectly, through FHA mortgage insurance and the paying of interest on mortgages from private investors, the efforts of private businesses and groups to build housing for those too poor for regular FHA

programs and not poor enough to qualify for public housing.

The laws were designed to help build and renovate housing for both sale and rental to poor families. The government also was authorized to pay much of the mortgage interest for low-income home buyers and pay part of the monthly rent for low-income tenants.

A nonprofit group or limited dividend corporation can go to HUD with plans to build or refurbish an apartment building or home for a low-income family. If the plans are approved the group can get an FHA guarantee to insure the mortgage and pay some of the interest. The applicant must find a bank or other investor to make the mortgage loan, and get the architect, builder and the rest to get the job done.

If the apartment building or house is being rented, the group or corporation keeps ownership of it and is responsible for its maintenance.

Nonprofit groups are expected to break even. And, at the end of the 40-year mortgage, the church or union or neighborhood group would own a building free and clear.

A limited dividend corporation—usually an established builder or a syndicate of investors put together by a builder—is allowed to make a 6 per cent return on its investment. What makes it more attractive is that investors can deduct depreciation of the finished building from their income at tax time.

Speculative home builders who put up houses that are inexpensive enough can sell them to low-income buyers with the mortgage guaranteed and much of the interest on it paid by the federal government.

Finally, nonprofit groups like Washington's Urban Rehabilitation Corporation (financed by the Catholic arch-diocese and overseen up to now by the Rev. Geno Baroni) can take old, rundown houses and get FHA-insured loans to rehabilitate and sell them to low-income buyers.

All of these opportunities, however, have been encumbered by a meager supply of money from Congress and severe restrictions in both the legislation and FHA procedures on how the programs could be carried out.

Donald Reape, a Philadelphia mortgage expert who helps get investors, mortgage money, builders and FHA officials together for subsidized housing projects (in the trade he is called a "packager") says that investors in limited profit corporations are "lined up" waiting for federal funds to get to work.

But so little money has been appropriated for the programs so far that the HUD funds are usually used up within months of becoming available. Disappointed investors are being turned away.

The one problem many of the limited profit companies usually can handle is FHA red tape. The reason is that the builder or real estate expert who puts a limited profit company together has had this experience.

But FHA red tape, lack of technical expertise and scarcity of venture capital all combine to hamper severely what Congress expected to be the other primary source of subsidized housing: nonprofit groups.

"Generally," says Don Reape in Philadelphia, "the nonprofit sponsor has not gotten the job done."

Reape acts as the paid adviser for churches, unions or civic groups that try to build big subsidized apartment buildings. He is paid out of the proceeds of the mortgage loan for the building.

He knows what they don't know about how to find a mortgage lender, a builder and subcontractors; about how to deal with FHA, local officials, zoning boards, and the like.

He places little importance on the Nixon administration's Operation Breakthrough project to find ways to massproduce housing.

"What we need are more funds now," he says, "We must face that."

Small nonprofit groups that want to redo a house or two, or build a very small apartment building, cannot pay a consultant, Reape says, yet they must go through the same complicated, time consuming processing required for big projects that pay consultants' fees.

The usual result, Reape said, is that the small nonprofit group gives up. Or, they proceed naively through projects that wind up in financial disarray when they are finished.

Another arm of the government, the Office of Economic Opportunity, tried to attack the nonprofit problem by funding larger nonprofit groups called "housing development corporations." Washington's HDC, which is now renovating Clifton Terrace, is one of these.

The OEO grants pay for large staffs of experts for these groups, and, along with grants from other sources, provide working capital with which they can acquire property to build in and prepare good initial development plans for FHA.

But even for these groups, the red tape tangle, rising construction costs and shortages of federal subsidies have made the hope of large-scale housing production "a hoax," according to an official of Philadelphia's HDC.

Philadelphia contains more than 15,000 abandoned brick rowhouses, according to official city estimates, an ideal resource for renovation of housing for the poor.

But Philadelphia's HDC has been able to renovate only 30 for sale to low or moderate income families.

The Philadelphia Public Housing Authority, however, was able to bypass FHA red tape and restrictions and, through the offices of HUD that provide public housing assistance, renovate nearly 5,000 of the same "used houses" for rental to public housing tenants.

Washington's HDC has tied up $400,000 in capital in contracting for buildings for construction and renovation, but thus far has gotten FHA approval for just four of 10 pending projects. Four of those not approved have been pending for more than a year.

Frank DiStephano, an Urban America, Inc., employee who watches the nation's 12 HDCs for OEO, says they still are not being provided with enough operating funds from the government, enough capital from private sources (who would be repaid when a job was finished), or enough expert advice and help from HUD.

Their production of housing has gone "only from nothing to a little," DiStephano says.

He also wants to see construction costs and the prices for acquiring land drop so that the rents charged the tenants can be dropped. These programs are still serving "moderate" income families, and not really "low" income persons, DiStephano complains.

And he joins with several others in the field, including top HUD officials, in calling for a concerted national commitment to provide housing for the poor, a commitment like that which put men on the moon.

"We kept hearing about the promise of these new housing laws," Reape says. "But these people can't live on promises."

[From the New York Times, Jan. 2, 1970]

PRIVATE HOUSING PARTNERSHIP IS TRYING TO TURN $50 MILLION INTO $2 BILLION

(By Jack Rosenthal)

WASHINGTON, Jan. 1.—How to turn $50-million into almost $2-billion. It sounds like something dreamed up by boilerroom salesmen or, at a minimum by harebrained optimists.

It is not. Its supporters include Edgar F. Kaiser, David Rockefeller, George Meany and the Congress of the United States.

They and other respected men and organizations are banding together into an ingenious new group that could produce the biggest private-sector response yet to national urban problems.

It is called the National Housing Partnership and it seeks to link big business, local business, nonprofit groups and government. The goal is not $2-billion in cash but in 120,000 units of badly needed low-income housing built not out of charity but at a reasonable profit.

How does an organization, even one with such blue-chip support, turn $50-million of investment into nearly $2-billion in low-income housing—and at a profit at that?

There are two keys. One lies in the partnership concept. The other lies in a provision of the Federal tax law, a provision that Congress took pains to preserve when it enacted the new tax reform act.

FIGURES OUTLINED

The partnership's preliminary prospectus, recently filed with the Securities and Exchange Commission, outlines the arithmetic.

First, assuming that the commission permits the sale of stock, the national partnership would collect the $50-million in investment. No individuals would be permitted to buy—only large organizations with substantial assets, like banks, corporations and unions. Even they would have to invest in minimum amounts of $50,000.

The partnership then would seek local partners in communities across the country. The national partnership would put up a quarter of the capital. The local partners—private as well as nonprofit organizations—would put up the remaining three-fourths.

Since the national partnership will have nearly $50-million to invest (less organizational costs), this would bring total capital to almost $200-million. That capital would be used for 10 per cent down payments on mortgage loans.

That is, nearly $200-million would create 120,000 units (nearly $2-billion worth) of new housing.

TAX ADVANTAGE

The second key to the partnership idea is a "pass-through" provision of tax law. Building owners are permitted to take accelerated deductions for depreciation, often creating a tax loss that can be used to reduce the amount of taxable income from other sources.

This tax advantage is not limited to the partnership as an organization, but may be "passed through" to the partners, to their individual benefit. Thus the amount of profit obtainable would vary, depending on the other interests of each partner.

"Businessmen have learned," says Robert C. Wood, former Under Secretary of Housing and Urban Development. "They have learned not to respond to the urban crisis out of charity, out of despair, or for the advertising value.

"The partnership finally has provided a way for businesses to get involved with something equivalent to the profit they could make elsewhere."

Housing department officials believe partners could achieve returns of from 17 to 20 per cent.

STARTED LAST YEAR

The partnership idea was hatched in 1968 by the President's Committee on Urban Housing, whose chairman is Mr. Kaiser, chairman of Kaiser Industries Corp. The plan was endorsed by the housing department and was adopted by Congress in the Housing Act of 1968.

A corporation was established to initiate the national partnership. Among those named incorporators by President Johnson were: Mr. Kaiser, Mr. Rockefeller, chairman of the Chase Manhattan Bank; Mr. Meany, president of the A.F.L.–C.I.O.; Edwin D. Etherington, president of Wesleyan Univer-

sity; Andre Meyer, senior partner of Lazard Freres, New York investment banking firm, and Stuart T. Saunders, chairman of the Penn Central Company.

The chief executive officer is Carter L. Burgess, once president of Trans World Airlines and former Ambassador to Argentina.

"It's a very good idea," says Richard C. Van Dusen, Mr. Wood's successor as Under Secretary of the housing department. "They have excellent underwriting advice. Their incorporators are very distinguished members of the business community. I hope it will be a resounding success."

Like other sponsors of housing for low and moderate-income families, the national partnership intends to focus on federally subsidized programs.

Housing experts foresee the partnership providing several kinds of stimuli under such Federal programs. The most important is that it can serve as "a suction pump for change," says Mr. Wood, now director of the Havard-Massachusetts Institute of Technology Joint Center for Urban Studies.

"That's even more important than simply getting quick construction this year," he says. "It is a device that begins to accelerate change in what has been a highly localized, highly fragmented housing industry."

A second advantage mentioned by experts is that it is a catalyst to action by national and local businesses interested in social action, but scared off by the present complexity and risk of low-income housing.

"The partnership," says a housing department official, "provides centralized expertise at dealing with complexity and spreads the risk of an individual project among many projects."

The partnership also could act, in effect, as a lobby with double impact on Congress. The simple showing of important business interests in housing subsidies, authorities say, could have had beneficial results.

Another impact would lie in the demonstration that a substantial organization was both willing and able to make maximum use of such subsidies as were available.

"Many present sponsors are one-shot," says Mr. Van Dusen. "There is advantage in having continuing expertise."

Referring to the national housing goal of 6,000,000 units in the next decade, he says, "The more expert sponsors we can develop, the sooner we will reach our housing goal."

The partnership idea now must await S.E.C. action on its preliminary filing. Stock sales could begin by Feb. 1. In the meantime, the organization is already at work, reviewing about 40 prospective projects in different parts of the country.

Mr. Burgess, the chief executive officer, notes that Congress provided for more than one such organization.

"What we're doing is working out a blueprint for other sectors of society to form other partnerships," he says.

Mr. Wood sees this first partnership as a meaningful bellwether.

"The Detroit riot of 1967 was the Pearl Harbor of the housing emergency," he says. "We have tooled up two years earlier than we would have. If industry and business pull back now, it would be critical."

THE CLOCK RUNS OUT ON THE ERA OF WORLD POWER MONOPOLIES

Mr. SYMINGTON. Mr. President, I have read and reread an editorial in the Kansas City Star last month "The Clock Runs Out on the Era of World Power Monopolies."

Considering all that is going on around this country as well as the world, the basic sound thinking behind the editorial is such that I believe Members of the Senate would be interested.

Accordingly, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CLOCK RUNS OUT ON THE ERA OF WORLD POWER MONOPOLIES

The day approaches when men may look back on this era since the last World War—dangerous and bitterly trying though it has been—as a time when the international distribution of power was an arrangement of almost charming simplicity.

The world of the 1950s and 1960s has been, beyond any argument, a 2-power world. On the one hand has stood the Soviet Union, groping ponderously upward from economic backwardness, girded by a captive claque of allies assembled mainly by conquest or political subversion.

On the other hand was the United States, then and still the economic giant, the first among theoretical equals in a so-called Western "community"—really a congerie of lesser alliances, based variously on common cause in war, common fears in peace, self-interested trade or mere geographic proximity.

These lesser nations were suffered to play at their games of sovereignty—have their kings and prime ministers and dictators as they liked. But no one was deceived by these trappings of state, either in the East, where the relationship was a product of coercion, or in the West, where it derived from the strength of the U.S. economy, the pervasiveness of U.S. business influence and the security blanket of the U.S. defense capability.

From the late 1940s until the latter part of the decade that has just ended, a common definition of national greatness was not the ability to build magnificent cities or just societies but the ability to wage a terminal nuclear war. Over a period of years, it gradually became evident that the advantage conferred by a nuclear arsenal was in large part illusory, that the burdens were considerable, and that it was entirely possible that neither of the superpowers might elect to use the weapons even in its friends' defense.

At this point it was perceived that, except for a stabilizing effect on the conduct of the United States and Soviet Union themselves, the presence of these nuclear arsenals had little bearing at all on the immediate interests of the lesser nations. And might, for that matter, actually work to their advantage in playing one giant off against the other.

The Africans, it seems to us, may have been the first to make this discovery. The parties in the Middle East have traded on it to great advantage, as have the Indians, the Pakistanis, the Greeks, the present-day rulers of what used to be called Indo-China and, nearer home, Cuba's Fidel Castro.

Oddly enough, Charles de Gaulle, for all his grasp of the sweep of history, did not perceive this new truth, and so plunged ahead with his obsession to make France a nuclear power—an endeavor that was not only expensive but irrelevant.

Now the new decade is upon us, and even as nations and leaders seek uncertainly to come to terms with today's world, the outlines of tomorrow's enormously more complex world begin to suggest themselves. It is by now a commonplace to say that it will be, at very least, a 3-power world. Red China will claim her place among the giants, and the flowering of her nuclear strike capability will be only a symptom, not the cause, of her arrival at superpower status.

The coming decade could also, if Europe's leaders have the vision and the will, see the emergence of a continental economic and political bloc of formidable influence—perhaps not a fourth power in the classical sense, which was De Gaulle's hope, but certainly more than the bickering assemblage of supplicants and protectorates that Europe has so recently been.

We speak here of Western Europe, but there have long been signs that the captive East, as well, is restlessly eager to be a **part** of the process. Yugosalvia and Romania, **each** in its limited way, have taken initial **steps**. The Czechs tried to, and were slapped down rudely for their insolence. But Soviet policy, which is the final determinant, is not immutable. Moscow's recent overtures to the West Europeans, however trady or self-interested, suggest that Soviet leaders, too, may see in the outlines of the '70s a drift of forces beyond their control.

Finally, still on the periphery of world affairs but with a growing power to influence them, will be the legion of the deprived and disaffected—the peoples of Africa, Asia and Latin America. Set apart by their color, their poverty and their political immaturity, they are the potential flash points of future crises. Already, through frequent marriages of convenience on specific issues, they have served notice that the United Nations and other international forums are no longer platforms for the rich and the mighty.

The ability of these have-nots to claim more lasting attention will depend on their willingness to transcend mutual jealousies and contention, develop something like a coherent strategy on major issues and give real substance to regional associations that in many cases are empty showpieces. Dealing singly, they are doomed to impotence with the possible exceptions of India and one or two of the larger Latin states.

This, then, is the probable power distribution of the future. A 3-power, 4-power or even 5-power world, depending on circumstances and definition. The fate of men, and the policies by which they order their affairs, will no longer be decided in conference rooms in Washington and Moscow. The circle of equals and near-equals will be greatly widened, and to pretend that this will not substantially complicate international relations is to command time to stand still.

It need not inevitably increase the danger. The U.S. and Soviet Union let the opportunity of their long monopoly on ultimate weaponry slip away before taking steps to check the spread of the nuclear virus or, currently, to attempt to end the madness of overkill heaped upon overkill.

It remains, however, that they *have* moved—that the terror of human beings who have lived 20 years under a deferred sentence of death has finally begun to be translated into the policies of governments. On the premise that sudden incineration is not a pleasant experience for anyone, even Chinese Communists, it seems at least reasonable to hope that the men who succeed Mao will in time enter into the framework of nuclear control.

With all its complexity, the new power arrangement also will present opportunities. The lesson of history is that monopolies of influence are neither just nor safe. The attempt to create a world community through the United Nations has so far failed, simply because the necessary preconditions for community—mutual interest and true parity among the members—were not present. Nothing guarantees that they will be present 10 years hence. But the odds are more favorable than many might have dreamed when the last decade began.

THE NEED FOR AN AIR AND SPACE MUSEUM

Mr. GOLDWATER. Mr. President, way back in 1966 enabling legislation was passed which called for the eventual construction of a museum at the Smithsonian Institution to house aeronautical

and astronautical items. In 1963 $2 million was appropriated for the planning and architectural design, but the original legislation restrained the Smithsonian from asking Congress for money to construct this building.

If we put the construction of this needed museum off year after year, the costs keep mounting and I am afraid that when we finally get ready to build it, the cost could have doubled for what we could have constructed it for 4 years ago.

There is an excellent article appearing in Astronautics and Aeronautics which explains in a little more detail the dilemma faced by both the Smithsonian and those who feel that this addition to that Institution is a needed and valid item.

I ask unanimous consent that this article be placed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AEROSPACE VALHALLA SEEKS SUPPORT

Engineers, design now for the Air and Space Museum! Some day five to ten years from now, the Smithsonian's elegant new Air and Space Museum will rise in the shadow of Capitol Hill.

"We have the blueprints, the authorization, but no appropriation and no hope for appropriation until the Vietnam war is over," said Charles Blitzer, Assistant Secretary for History and Art. During hearings on the enabling (H.R. 6125 passed and signed by President Johnson in July, 1966), the Smithsonian was specifically enjoined from coming to Congress for construction funding until after the settlement of the Vietnamese War. $2 million was appropriated in 1963–64 for the planning and architectural design.

Last fall, administrative responsibility for the Air and Space Museum shifted from Blitzer to Sidney R. Galler, Assistant Secretary for Science.

"What was a $40-million museum is probably now over $50 million. By the time we get around to asking for the money, one might guess it will be $60 million," opined Blitzer. The increased costs are attributable to inflation.

Galler is requesting FY 71 funds of $2 million to reappraise the architectural plans. By taking advantage of improvements in construction technology and other design changes, he hopes to reduce the projected cost back down to $40 million.

Before Galler asks for construction funds, he is listening for "a signal from Congress." The Smithsonian has been patient during the Vietnam war-years. But Galler recalls that the "understanding with Congress was arrived at before we had any clear notion that the U.S. would be on the Moon. Well, we have been on the Moon twice. Public interest is disproportionately large compared to public understanding. We need to give John Q. Taxpayer a better understanding of where his investments have gone and what the dividends have been."

With the nation celebrating its bicentennial in 1976, Galler sees it as the appropriate time to unveil the Smithsonian's "national window" on the last 50 years of air and space technology. Given construction estimates of three to five years, Congress will have to respond soon if Galler is to meet his goal.

In the interim, before the new museum is built, a small display is housed in the Arts and Industries Building and in a small temporary Air and Space Building. The bulk of the 200 plus airframes and the 300–400 engines is stored at the Silver Hill (Maryland) Navy facility. About 80% of the stored collection is either in sheds or crates.

"There's been a tendency to keep the vision of that great museum so close before our eyes that we probably pay too little attention to the day-by-day or, now, year-by-year activities," says Blitzer. One idea he has is to conduct guided bus trips through Silver Hill. "The place is filled with wonderful things that people would love to see." Although Silver Hill once looked like the nation's attic, Blitzer believes that it could accommodate tours without much preparation or disruption of the restoration activities. "There's no better argument for having the real museum than seeing what we have and are not able to show."

Museum plans are periodically reviewed so that they will reflect the latest in design. Until the 747 and Apollo came along, the museum was capable of housing the "real thing" of anything from aerospace history.

New display concepts are being examined both for the new museum and existing facilities. "We are thinking of doing more with models, films, slides, and other techniques." Although the real aircraft and spacecraft will still play a major role, Blitzer sees the role of museums changing. They will increasingly communicate ideas rather than just display objects. By taking lessons from someone like Stanley Kubrick of Space Odyssey fame, the museum could be "more than just a hangar for a lot of old airplanes and missiles."

Faced with the prospect of a delay in construction appropriations, Blitzer hopes that the aerospace industry might show some interest. Citing the industry stake in a "public understanding," of aerospace activities, Blitzer sees the museum as an opportunity for the industry to "tell their story" to some 15 million people a year.

Unlike the Park Service or other government agencies, the Smithsonian does not charge admission to its exhibits. One income-producing possibility would be to construct a garage for the new museum and charge for parking. A planned 12000-car capacity would exceed the 1100 parking spaces in the entire mall area.

The total Smithsonian annual budget runs about $30 million. The Air and Space portion amounted to $538,000 in 1969 or about 2% of the total. In July, 1969, the House Appropriations Subcommittee on Interior and Related Agencies reduced the Air and Space request of $588,000 for 1970 funds by $45,000. With passage of the appropriations bill at year's end, part of the cut was restored and the museum received $564,000 for salaries and expenses.

S. Paul Johnston retired in September as Director of the National Air and Space Museum. Galler is still looking for a replacement.

NATIONAL ENGINEERS WEEK

Mr. TALMADGE. Mr. President, the Nation's registered engineers will focus national attention on the profession's work in providing viable solutions to pollution, waste disposal, and other environmental problems with the launching of National Engineers Week, February 22–28, sponsored by the National Society of Professional Engineers.

This 20th annual observance will involve 150,000 members of the engineering profession participating in scores of activities focusing on the theme, "Engineering—Environmental Design for the 1970's."

This particular week is traditionally chosen each year as it includes the observance of Washington's birth date, our first President himself having been a trained surveyor and builder.

Since the time of Washington's active engineering accomplishments, engineers have continually played a major role in shaping and reshaping our country's face and its fortune, and paved our way into the vast reaches of outer space to the moon.

National Engineers Week is a particularly good time to call to the attention of our young people the opportunities which exist for a career in engineering—opportunity for participation in a vital professional activity with unlimited applications for talent, ingenuity, imagination, and personal satisfaction. Active American leadership in tomorrow's world will in part come from the engineering community. A partnership share in this leadership is open to today's young people.

As problem solvers, the profession and NSPE will call for a total national commitment to bring to a halt the deterioration of our environment and the disappearance of open spaces and recreational areas.

NSPE's 535 local chapters are spearheading the national observance which will feature career conferences in thousands of junior and senior high schools, exhibits on engineering achievements, university seminars and open house tours through the Nation's engineering schools, talks by engineers before civic and student groups, dinners honoring math and science teachers, engineer-for-a-day activities at high schools, and numerous other projects calling attention to the urgent need for improving our environment in the 1970's.

National chairman of National Engineers Week is Lee R. McClure, P.E., Atlanta, Ga. Commenting on the theme, Mr. McClure said:

The beginning of a new decade is a good time to call attention to what the 1970's will mean for man, his technology, and his environment. This decade will see a major turning point in how we use technology to help protect and conserve our environment. Professional engineers in the 1970's are going to design machines and systems in which people and their human needs are part of the equation. We have the technical ability to bear on this problem and I believe we will eventually reverse the processes which are degrading our environment.

THE 52D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. DODD. Mr. President, yesterday, February 16, marked the 52d anniversary of the reestablishment of an independent Lithuanian state. The numerous Lithuanian communities in our own country marked this anniversary, as they have done since the close of World War II, with national meetings and prayer and with the expression of their renewed determination to continue the struggle for the liberation of their own people and the other captive nations from the merciless yoke of Communist rule.

The Lithuation people have a proud and ancient history. Indeed, there was a time in the Middle Ages when the kingdom of Lithuania was one of the foremost powers in Europe.

But then the wheels of history turned; and in 1795 Lithuania fell under the cruel and primitive rule of czarist Russia. It was not until 1918 that the Lithuanian

people were able to reestablish themselves as an independent nation.

For the next 23 years the Lithuanian people knew the joys of freedom. Their government enacted land reform and other progressive measures; the economy continued to expand and the people prospered; and there was a tremendous flowering of all the arts, as well as of free expression.

Then came World War II and the Hitler-Stalin pact.

Lithuania and its two Baltic sister states were invaded and occupied by the Red army.

Sham elections were held, and quisling governments were installed in power. Mass executions and deportations took place, involving scores of thousands of the intellectual and political elite.

So great was the terror that for years after the end of World War II, Lithuania and the other Baltic States remained forbidden territory for visitors to the Soviet Union.

Today, there has been some small abatement of the terror, and foreigners are once again permitted to visit Lithuania, Latvia, and Estonia.

There are many in the free world who believe that the Soviet Union is rapidly moving toward democracy because of the reduction in mass terror since the death of Stalin. The fact is, however, that on all essential points the Communist dictatorship of today is as doctrinaire and inflexible and merciless as was the Stalin regime.

Eloquent confirmation of this has recently become available in the form of a declaration to the chairman of the U.S.S.R. Council of Ministers signed by 40 priests of the Catholic Church in Lithuania. Here are some of the points they make:

First. Despite the fact that the U.S.S.R. constitution guarantees freedom of religion, religion is ruthlessly persecuted.

Second. Whereas in 1940 there were 1,500 seminarians in Lithuania, in recent years the number of seminarians has been limited to 30. About 30 priests die in Lithuania every year, but only five or six are ordained.

Third. Candidates for the seminary are chosen not by the church but by representatives of the government.

Fourth. Children who go to church are ridiculed in their school wall bulletins. Some of them have been so terrorized that they have been taken seriously ill.

Fifth. Many of the churches are not allowed to ring bells or use amplifiers.

Sixth. Whereas in 1940 there were 12 bishops in Lithuania, today there are only two functioning bishops. Two other bishops have been deported for approximately 10 years each to faraway parishes, where they live under house arrest.

Summing up the situation, the declaration signed by the 40 Catholic priests say that "the Catholic Church in Lithuania is condemned to die."

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the complete text of the declaration by the priests of the Catholic Church in Lithuania.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Communism, of course, is committed to the total eradication of religion and for this reason it persecutes all religions in a manner carefully calculated to bring about their total demise over a period of years.

I believe that we can all take pride in the fact that our Government has to this day refused to recognize the illegal annexation of the Baltic States by the Soviet Union.

As we observe the anniversay of Lithuanian independence today, we shall all be praying for the restoration of her lost independence in the not very distant future.

There are some who may say that such prayers are pious and meaningless, and to that extent, hypocritical.

I disagree with them.

I believe that the growing intellectual and nationalist ferment in the Soviet Union makes the liberation of the captive people a realistic goal. Indeed, more than one top-ranking Sovietologist, in this country and abroad, has expressed the belief that the Soviet prison house of nations will fall apart perhaps sometimes in the seventies.

In closing my remarks today I believe that particular tribute is due to the Lithuanian community in this country for the energy and dedication with which it has kept alive the issue of Lithuanian freedom.

In serving the cause of their subjugated motherland, they have also served the cause of free America and of the free world.

EXHIBIT 1

DECLARATION BY THE PRIESTS OF THE CATHOLIC CHURCH IN LITHUANIA

(This translation was made from the authentic text which reached the U.S.A. from the USSR toward the end of December 1969.—V. BRIZGYS, Tit. Bishop of Bosana, exiled from Lithuania, Chicago, Ill.)

In his article "To the Country Poor," Lenin generalizing the tasks of the social democratic party, wrote: "Social democrats demand that every person must have full liberty to freely profess any religion" (*Writings*, vol. 6, Vilnius, 1961, p. 364).

By criticizing the government of the czar and the means it used against those who had different beliefs, Lenin wrote: "Every person must have full freedom not only to profess any religion he wants, but also to publicize and change his faith . . . this is a matter of conscience and let no one dare to interfere in these matters" (*Writings of Lenin*, vol. 6, Moscow, 1946).

The USSR Constitution guarantees to its citizens freedom to practice any religion. The laws of the Soviet Union will defend the rights of the faithful to practice their religious rites. Article 143 of the Penal Law speaks about the penalties, if anyone interferes in the exercise of these rights. But in reality it is not so. The laws which protect the rights of the faithful are broken without any consideration. The Catholic Church in Lithuania is condemned to die. The facts speak about this. If in 1940 there were four seminaries for priests in Lithuania and about 1,500 priests, then after 1944 there was only one seminary left, in Kaunas. About 400 seminarians used to flock to it from all the dioceses. In 1946, in the very midst of the school year, only 150 seminarians were permitted to stay. During the last few years, in all the five courses in the seminary, the limit is 30 seminarians. If a seminarian leaves or gets sick, no one is allowed to take his place. About 30 priests die in Lithuania every year, but only 5–6 are ordained. This year (1969) only three new priests were ordained. Already, at this time, many priests have to serve in two parishes. There is a good number of parishes where the pastor is 70 years old. Even invalids have to serve as pastors, for instance, in Turmantai.

Young people who want to enter the seminary meet many more difficulties than those who intend to go to other schools of higher education. The candidates are not chosen by the representatives of the Church, but by the officials of the government. This is not normal. What would we say if candidates for music would be selected by veterinarians or other specialists?

In January of 1969 the priests of the diocese of Vilkaviškis addressed themselves to the Chairman of the USSR Council of Ministers concerning this abnormal situation in the interdiocesan seminary in Kaunas. During the month of February of the same year they contacted the still active bishops and administrators of the dioceses about this same matter. Because of these moves, two priests, Rev. S. Tamkevicius and Rev. J. Sdepskis, lost their work certificates. They had to seek other work, they cannot perform their priestly duties.

In 1940 there were 12 bishops in Lithuania, today there are only two left: bishop Matulaitis-Labukas, born in 1894, and bishop J. Pletkus, born in 1895. Two still effective and able bishops: J. Steponavicius (for 9 years) and V. Sladkevicius (more than 10 years) have been deported to far away parishes (house arrest, tr.). Although according to Article 62–69 of the Penal Code deportation is foreseen only for five years and that for grave offenses, but what have our shepherds done, without any court action or proven guilt, to be punished for an indeterminate time?

From time immemorial Vilnius is the center of religious life, but today this city is not allowed to have its bishop, even though other smaller religious communities, for instance, the Orthodox, have their bishop, and others some equivalent religious leader.

According to the Church Canon Law, the capitular vicars are only temporary administrators who are chosen when a bishop dies or leaves the office. The archdiocese of Vilnius and the diocese of Panevezys now have been administered by capitular vicars for 9 years, and that of Kaisiadoriai for 23 years.

It is not always, even for those who have official authorization, that the bishops and administrators are permitted to visit the parishes and confer the Sacrament of Confirmation according to the canons of the Church. In the dioceses of Panevezys this sacrament has been conferred only once since 1961. In other dioceses it is permitted to be conferred only in the centers, for instance in Vilnius, Kaunas, but very rarely in the regional cities. Those who want to receive the Sacrament of Confirmation have to travel from distant places, endure all the hardships with their small children. Thus great pressures and difficulties are created.

The pastoral work of the priests is being hindered in a number of ways: one is not allowed to help the neighboring parishes in religious services nor to invite the necessary number of priests on special occasions of devotion. The faithful who want to confess have to wait for a long time, suffer inconvenience and lose much of their precious time. On special days of devotion in some churches about 1000 people come for confession. If only three minutes would be given to each penitent, one priest would have to hear confessions for 50 hours, and this is impossible.

Specialists in all fields come together for conferences to perfect themselves and learn from the experiences of others. The Church

Canon Law also requires that the priests should make a three day retreat at least every three years. Such retreats at this time are forbidden not only at the diocesan centers, but also in the deaneries: even priests of one deanery are not permitted to get together.

Official representatives of the government (delegate of the government for religious affairs, leaders of the regions and districts) give various directives to the priests only by word of mouth. It happens that these orders contradict one another. For instance, a representative of the executive committee's chairman of the Varena region forbade the pastor of Valkininkai to accompany the burial procession to the cemetery, while an agent for religious affairs instructed that the priest can go to the cemetery, but he cannot do the same from the home to the church. On April 15, 1969 an agent for religious affairs in Svencioneliai, in the presence of government officials and the members of the church committee, told the pastor that when there is a priest in the procession of the deceased no hymns are allowed, but this can be done without the priests. If a person is buried with religious rites, an orchestra is not permitted; collective farms and organizations cannot help materially.

Catholics in Lithuania cannot avail themselves of the freedom of the press for their religious needs. They cannot make use of the radio and television, of movie theaters, schools, lectures. We do not possess even the most elementary religious textbook, prayerbook or other religious writings. During the Russian occupation not even one catechism was printed. Only in 1955 and 1958 a Catholic prayerbook was printed and in 1968 a liturgical prayerbook. But both of the editions had a very limited number of copies so that only a few families could acquire them. Besides, the liturgical prayerbook was supposed to include a short explanation of the truths of the faith, but the delegate for religious affairs would not allow this to be printed. The priests and the churches received only one copy of the Roman Catholic Ritual and documents of Vatican II were available only for the priests, one copy each. The faithful did not even have a chance to see these books.

Although the USSR Constitution guarantees freedom of conscience, and parents do want and request that their children would be educated in a religious spirit, the priests and the catechists, however, are forbidden to prepare children for their First Communion. The delegate for religious affairs allows the children to be examined only singly. Those who do not follow this unwritten law are severely punished. For instance, the government officials have fined Rev. J. Fabijanskas for catechization; Rev. M. Gylys and Rev. J. Sdepskis were sent to a forced labor camp. Anyksciai Miss O. Paskeviciute prepared children for their first confession. For this she was deported to a forced labor camp, where there followed her overexhaustion, sickness and death. Parents themselves have the right to prepare their children, but they have no means: they are not prepared for this job, have no time for religious books. In like manner, during the czar's reign, workers and serfs could not make use of the right: to give their children higher education.

Children who frequent the church experience much abuse. They are made fun of, wall bulletins write about them. In schools, children are constantly being taught that religious parents are backward, have no knowledge and can give them no directives. Thus the authority of the parents is destroyed. When children cease to respect their parents, it is difficult to control them both in the school and outside its walls. Besides, religiously minded children are not allowed to take active part in the liturgy, sing in the choir, participate in processions, serve Mass. Thus the rights of the faithful children and parents are severely violated. They are harshly discriminated, coerced and forced to compromise others. For instance, on the 26th of December, 1967, the secondary school Director Baranauskas and other teachers in Svencioneliai kept the II–VI class students for two hours and a half until they forced them to write letters against the local pastor Rev. Laurinavicius. For one of those youngsters, J. Gaila, an ambulance had to be called because of the threats. Second class student K. Jermalis was sick for a couple of months because of fear. The pastor, who allowed the children to serve Mass and participate in a procession, was removed from Svencioneliai. The offended parents of those children turned to Moscow. How much time was lost, expenses incurred, health impaired? Just recently Rev. A. Deltuva was fined 50 rubles because he allowed the children to serve Mass.

According to the law, the convictions of one who believes and one who does not should equally be respected, but the practice goes its own way. In many hospitals, for instance, in Vilnius, Utena, Pasvalys, Anyksciai, even when sick people ask to receive the sacraments, their request is refused. In 1965 a driver, K. Semenas, and Miss B. Sudeikyte married in the Church. By this act they lost their previous grant of a piece of land where they were going to build a house. Notwithstanding the fact that all the material was bought for the construction, they were told: "Let the priest give you land."

In Pasvalys, Anyksciai and other places, even taxicabs, cannot bring the witnesses of the marrying couple to the church. There is much suffering for the intellectuals who secretly baptize their children, marry or attend Mass in the church. These facts are brought up at their work, often they are reprimanded or even lose their jobs. For instance, in 1965 Miss P. Cicenaite, a schoolteacher in Daugeliskis, was released from her work by the school director because she would not forsake the church. When the school officials told her to leave, she, wishing to have her book "clean," wrote a request to be released from work. Often the faithful are released from work or are punished because of their convictions, covering this fact with some other motives.

In 1956 the Pension Act bypassed the servants of the church. Organists and sacristans can only dream about pensions. For instance, Mr. P. Pagalskas joined a collective farm when the soviets came to Lithuania. As all other citizens, he delivered his horse and farming tools to the authorities. He was working in the office of a collective farm as an accountant, on Sundays he used to play the organ in the church. When he had the misfortune to get sick and became an invalid and could not work in the office, he night-watched the animals on a collective farm. When he reached old age (b. in 1889), he applied to the Social Welfare Office of the Ignalina Region. An answer came back from this office that organists do not receive any pension.

Many of the churches are not allowed to ring bells, use loudspeakers or any other technical means. Materials are not allotted for the upkeep of the churches. The cities are growing, but since 1945 only two churches have been built in Lithuania (one of which, in Klaipeda, has been turned into a music hall), many older churches are serving as storage places, museums and so forth.

These and many other painful facts which we have mentioned here show that the priests and the faithful are discriminated against and they cannot fully use those rights which the USSR Constitution guarantees them.

Consequently, we have dared to address ourselves to you, Mr. Chairman of the USSR Ministers, hoping that you will correct this unnatural situation of the Catholic Church in the Lithuanian SSR and see to it that we, the Lithuanian priests and faithful, as all other citizens do, will be able to exercise the rights as they are foreseen in the Constitution.

(Signed by the Priests from the archidiocese of Vilnius: 40 signatures).

AUGUST, 1969.

THE FACE OF MARYLAND

Mr. TYDINGS. Mr. President, it is a pleasure to invite the attention of the Senators to a photographic exhibit in the main lobby of the Federal Office Building in Baltimore, Md.

The pictures were taken by residents of Maryland—all students of the Famous Photographers School of Westport, Conn.

These works, 13 in all, reflect the color, depth, and diversity of Maryland life. I extend a warm welcome to all Senators and their staffs to see these photographs should they be able.

The photographers and the titles of their works featured in "the Face of Maryland" exhibit are:

Theodore J. Angil, of Baltimore, "Relaxing at the Breakwater." Allen L. Barker, of Annapolis, "U.S. Naval Academy Sailboat." Miss Deri Barringer, of Rockville, "Assateague Flyway." Charles M. Carr, of Cockeysville, "Mount Vernon Place." George C. Davis, of Kensington, "Oyster Boat, St. Tilgman Island." Louis T. Ewen, of Easton, "Contributor to our great Dairy Industry." Sp4c David J. Fraker, of Rockville, "Fox Hunt." Wayne K. Hill, Jr., of Brookville, "A Lazy Afternoon." Charles E. Hundertmark, of Baltimore, "Roller Skating on the Streets." Michael Keyser, of Towson, "Steeplechase Rider." Miss Elizabeth Kunz, of Baltimore, "Downtown Baltimore." Francis J. Lemmon, of Baltimore, "Blessing of the Hounds." Gordon E. D. Snyder, of Baltimore, "Down to the Finish." John H. Sullivan, Jr., of Potomac, "Katie."

WATER RESOURCES ASSOCIATED

Mr. DOLE. Mr. President, on February 1, I had the pleasure of attending the 51st annual meeting of the Mississippi Valley Association, in St. Louis, Mo. This organization has just begun its second half century of dedication to the development of one of the great watershed areas of the world. It has, over the years, expanded its realm of activity, and in recognition of its broadening national interests, the association has changed its name to Water Resources Associated.

Two addresses were given to the association's meeting which I feel would be of interest to the Senate. On February 1, the Honorable Jack Edwards of the First District of Alabama presented a most informed and highly thought-provoking discussion of water resource development. The next day, Grant Barcus, president of the association, reviewed its activities during his presidency and looked ahead to the role the association can be expected to play in the coming years.

Mr. President, these two addresses give a revealing view of water resource development in the Nation today. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. JACK EDWARDS

As I was flying out here this morning, I looked over the countryside. I could see some of the great river systems of this country—the Tennessee, the Ohio, the Mississippi—river systems that bring goods and services to and from the areas they serve, and provide thousands of jobs for the people in the numerous communities that dot the riverbanks.

These river systems were developed as avenues of commerce and industry through the untiring efforts of men such as yourselves, who in earlier times, had the wisdom and the foresight to plan for the needs of future generations.

These systems have served us well, and they will continue to do so as long as associations, such as the Mississippi Valley Association, keep up the efforts needed to promote wise development of these vital natural resources.

I am aware that you are considering changing the name of your association which has been so active during the last 50 years. You are no longer regional and I agree that you need a name to reflect your national interest and scope.

Regional groups are now working together and therein lies your strength in developing an entire national waterway system. Working together to further develop our inland waterways is the surest key to success.

But over the years there have been some questions raised. Do these massive public works projects have any real place in the public budget?

Can these expenditures be justified, when people are starving in the Appalachian mountains and the rural areas of our country?

How can the government spend money to build locks and dams to help the wealthy industrialists sell their goods, when our inner cities are rotting?

And the ultimate question! Why should the American taxpayer continue to help some congressman provide "pork barrel" public works projects for his district or state?

Well, I say to you, the United States of America would not be the great country that it is today if our forefathers had not seen the wisdom of developing our national resources. But today, even more than before, we see the need for an orderly development which will have benefits far beyond the immediate area, and which will serve far more than just the shipping public.

Let's take a look at just what America's waterways do, and why it is so vitally important to expand public and private support for their construction and maintenance.

One of the most serious threats to our country is the rising crime rate, brought on in great part by poverty and unemployment. Past massive welfare and poverty programs have spent billions of dollars to no avail. Only the pockets of a new crop of bureaucrats were lined with the taxpayers' dollars.

We are now considering new methods of curing the cancer of poverty and unemployment in our country. These new proposals are based on the fundamental idea that a man must have honest work to maintain his sense of pride and accomplishment.

There is no substitute for a good job!

The President very properly has placed a high priority on a search for new ways to move people from the welfare rolls onto the payrolls.

Well, I believe new and improved waterways may be the answer. Both through the construction and through the stimulus provided for industrial development, waterways return numerous new job opportunities for every dollar invested.

Another major problem this country faces today is the overpopulation of our cities. More and more people are leaving the rural areas of our country to come to the city. They hope that new jobs and new opportunities will be theirs.

But disillusionment and defeat is all most of these migrants to the cities will find. They will end up in some tenament, dependent on welfare for their existence, and from there crime is just around the corner.

The government, in the past, has tried to encourage new industry to move into the cities so that jobs will be available for these people. But the rising cost of real estate, the problems with crime and the tangled traffic arteries, these and other problems, are discouraging industrial expansion in the cities.

Rather, the Nation's businesses are fleeing to the suburbs, and the result is that the situation in the inner-city is becoming even worse.

There is a great need to provide jobs for the people in the rural areas of the country. But the answer is not to bring the people to the already over-populated cities. Rather, legitimate jobs must be brought to the rural areas.

President Nixon is developing effective plans to provide employment for every American whether he is living in the cities or the rural area of the country. Toward this end, he has established the Urban Affairs Council and the Rural Affairs Council.

The Rural Affairs Council, composed of top level cabinet members and other government officers, is urgently trying to find ways of opening up vast tracts of rural lands to industrial development without destroying needed crops or recreational lands.

So here is where you come in—One of the best ways of opening up rural areas to new industry is through construction of waterways to provide low-cost transportation for raw materials and manufactured products. A recent economic survey, comparing counties bordering on improved waterways or water routes with inland counties, showed the effects a water route has on the economy.

Of the Nation's 3103 counties, 633 or 20 percent are waterfront counties. However, they are responsible for 58 percent of the Nation's productivity, 55 percent of the Nation's manufacturing jobs, and 57 percent of all new investments in manufacturing facilities.

Obviously, then, the land along the waterways of America is where the action is. By extending a piece of the action to those counties now inland, we can expand their productivity and job potential sufficiently to attract new industry and income to their areas.

A recent example of just how a waterway increases industrial activity in an area is the tremendous increase in commerce along the Arkansas River. Following completion of improvements on the river up to Little Rock, barge traffic expanded greatly.

In fact, by the end of the third quarter of 1969, the movement of one million tons of cargo in both directions on the newly opened section had far surpassed the Corps of Engineers estimate for the full river opening to Tulsa.

Waterways open up economically depressed areas to great industrial potential. Besides providing more goods and services for the country at large, the new plants increase the purchasing power of the new workers employed, and thus open new markets to other goods and services. And waterways will be providing the means to serve these new markets and bear the newly manufactured goods to distant markets.

The proposed Tennessee-Tombigbee Waterway, the newest infant in the growing waterway system, will have just such an economic impact on the primary area through which it will travel. Many of the counties affected by the Tenn-Tom are net receivers of federal dollars. That is, they receive more federal funds in the form of welfare, food stamps and other economic aid than they pay in taxes.

The Corps of Engineers recently presented a report showing the economic impact the Tenn-Tom will have on the Southern Appalachian poverty region and other primary areas. The results are very revealing:

1. Industrial growth should be stimulated to the extent of about $2.6 billion by the year 2020. This includes $1.4 billion in water-related industries such as food, textiles, paper, chemicals, petroleum and primary metals; and $1.2 billion in non-water related industries, such as apparel, fabricated metals, transportation of equipment, electrical and non-electrical machinery.

2. Manufacturing employment should also be stimulated, and should show an increase to about 28,000 jobs for an annual payroll gain of about $394 million by the year 2020.

3. In addition, goods and services needed by these new industrial employees will stimulate a second round of employment income, and a third and so on.

And this is only in the primarily affected area: The project, when completed will have an impact on the economy of 23 states in the Central and Southern regions of the country.

The Tenn-Tom has been of primary concern to me since I was first elected to congress over five years ago.

A few days ago, on January 21, along with my colleage BILL BROCK of Tennessee, I made public the President's intention to recommend one million dollars for the start of construction in his next budget.

Men have literally dreamed of the Tenn-Tom since colonial days. It was first officially authorized by Congress in 1946. Since then, numerous men who envisioned the great prosperity this project could bring to the Southern region, have worked untiringly to keep the project alive. If all goes well, we will put our first shovel in the ground in the Spring of 1971. This will be a great day! This will supply the missing link to a great waterway system.

As you know, this project required the commitment and determination of countless thousands over the years. But, as you also know, this is the only way to get a national waterway project off the ground.

But if you examine the trend in overall waterway improvements during the last decade, you see a grim picture of declining expenditures. This has occurred despite the fact that the gross National Product increased 88 percent during the same period, and despite the fact that the ever-expanding federal budget increased a whopping 140 percent.

In 1964, $1.19 billion was appropriated for water resource improvements. This represented a meager 1.09 percent of the federal budget for that fiscal year. In the 1970 fiscal year budget there was a slight decline of expenditures to just over one billion dollars. But in a period of expanding federal expenditures this now represents only one-half of one percent of the overall national budget.

In his State of the Union address, President Nixon announced a national commitment to clean up our polluted air and water. Last year he announced a national commitment to revitalize our Merchant Marine.

And he has further indicated that the decade of the Seventies must have a national commitment to peace and true prosperity for all citizens.

In keeping with these objectives, it is time to announce a national commitment for the improvement of our water resources. We must have an expressed government policy pronouncement in this area.

Such a long range commitment would provide a sound working basis for the Corps of Engineers, as well as industries involved in the construction of such projects to adequately plan for the future. It would also permit full utilization of the technical manpower resources in this field.

Fortunately, as the Arkansas River project is completed, the skilled technicians and other specialists will be able to begin work on the Tennessee-Tombigbee project. But we must depend more on adequate planning

instead of happenstance for development of our water resources.

New standards for benefits evaluation must be devised in determining which projects should be included in such a national water resource development program. The intangible as well as the tangible benefits should be considered; the indirect as well as the direct effects must be taken into account; and the impact of a project on other aspects of national policy in addition to transportation benefits should be weighed.

A start has been made. Senator Jennings Randolph, as Chairman of the Senate Public Works Committee, has asked the Corps of Engineers to adopt new interim guidelines for criteria determination pending a complete overhaul of the present system.

The Pittsburg flood of 1967 is just one example of the narrow view of benefits that the present criteria considers. Currently, only property damage may be considered in a flood control project. But in the Pittsburg area, damage in the form of loss of productivity, including loss of manufacturing output and income, was four to five times greater than direct property damage.

And even at this we are not considering the heavy toll of human lives that floods frequently claim. Witness the over 200 lives lost in the James River, Va., flood last summer.

Perhaps the most significant aspect of any water resource development program is its effect on our environment. The President's commitment to clean up our water during the decade ahead calls for spending at least $10 billion dollars. Some say that isn't enough, but at least we are certainly headed in the right direction with effective leadership from the White House.

In the construction of our waterway projects we must be ever mindful of the effect such projects will have on our environment. Now this is not to say we must become preservationists and freeze our national assets as they stand today. Rather, we must be conservationists. The effects of the waterways must be to enhance the environment, not destroy it. Industries locating on a newly developed waterway must be committed to refrain from polluting the waters along the new route. Pollution of the streams must stop, period.

No long range commitment to anything will be worthwhile unless we have a clean environment in which to enjoy the fruits of that commitment.

Yes, water resource development does have a place in the public budget. Moreover, it should be high on the list of national priorities. Although it is not a glamour item like space, it has an impact on all aspects of our country's goals.

Its outstanding benefits in fighting poverty and hunger, in helping with the population distribution, in aiding in the stimulus of industry, and providing a better life for all Americans, makes water resource development an item of essential national concern for the Seventies.

Will we have a wise development of our water resources? That depends in large part on you. If you have the personal determination to work for proper development then I think we can have it.

Don't ever lose sight of that vision.

SPEECH BY GRANT BARCUS, PRESIDENT, MISSISSIPPI VALLEY ASSOCIATION

Good morning Ladies and Gentlemen, and welcome to the General Membership Meeting of the Mississippi Valley Association's 51st Annual Meeting. I consider myself most fortunate to stand before you today as our organization begins its second half-century.

As we gather here today we can look back on many successes of which we all can be justifiably proud. I will not attempt to trace 50 years of history, but I do want to briefly mention some of the activities in which the Association has been engaged during my term as President.

One of the most far-reaching decisions made during the Association's first half-century was to relocate the headquarters office in Washington, D.C. While it is true that the physical move was made during 1968, the impact of this change was only beginning to make itself felt last year. Besides achieving the obvious—placing us near the highest levels of government where we have been better able to make ourselves heard—the move has affected every other aspect of our Association activities.

Many of us felt like commuters last year, traveling from our homes to appear before one or another Congressional Committee or Agency on behalf of our programs. Other than providing us with a firm legislative base, the move to the Nation's capital has immensely broadened our outlook concerning the role of this Association in future years.

We have already discovered that we are able to offer more information and services faster than ever before; a factor which has helped the Association to realize its largest membership increase in any one-year period in its history. The Exposition this year is the largest ever presented, requiring more space and having more exhibitors than in any previous year.

We enjoyed a most successful year in terms of prosecuting the Association's program but it was a year which presented more than the usual number of problems. Several staff personnel changes, both voluntary and involuntary, added to the problems and contributed to the economic strain which resulted in an operating deficit of about $5,000. The situation has been corrected in large measure and the Board of Directors will be asked this afternoon to approve a budget which would permit the addition of a new staff member. Your Association must develop staff personnel capable of helping the Association to meet successfully the challenges of the next half century. No new staff positions were created in the decade from 1959 to 1969, and, during this period, the Chicago office was closed. In spite of the opening of the Washington office, the taking over of the Exposition and the employment of a Convention Director as well as the addition of a Director of Information, your Association has 1½ fewer employees than were on the payroll at the 1960 Annual Meeting here 10 years ago. During this same period the Association's program and its budget have doubled and its effectiveness increased many fold. This is a real testimonial to the leaders who preceded me and a challenge to those who will follow.

While I am in the area of finances, let me say a word about the Annual Meeting and the "Package" plan which has apparently caused some irritation this year. The Association has met in this hotel in 15 of the last 19 years. Those of you who have partaken of the food, beverages, and room rates in the past few days realize that "things ain't what they used to be." These cost increases affect the Association even more profoundly as attendance at the meetings continues to increase. Exhibit hall rental rates have risen tremendously and the numbers and costs of the extra personnel required to put on a successful meeting have gone out of sight. The part-time stenographers in the Washington office these last weeks each cost $4.78 per hour and the guards patrolling the exhibit hall on a 24-hour basis for nearly a week do so at the rate of $4.50 per hour per man.

The *net* cost of the food functions is more than $7.00 for the luncheons and $9.00 for the banquet. The expense of the entertainment, travel, and honorariums runs into many thousands of dollars. The cost of tickets for our guests from various federal, state, and local agencies was $2,180 at the close of business last night.

We were required to guarantee numbers for the various meals last Friday morning and the registration and tickets sales did not even start for another 24 hours. Trying to provide a place at the table for late arrivals is an impossible and expensive task which can be avoided with your help.

The prices established for the various functions are designed to permit each to break even. We do not believe it is either fair or sound business practice to permit income from dues paid to further the Association's program—your program—to be used to help defray the cost of the events staged exclusively for those members who are able to attend this meeting. Any other attitude would be a breach of faith with our membership.

Institution of the "Package" program reduced the actual cost of processing your advance registration by an estimated 65 percent. The alternative is paying for uneaten meals and increasing prices for tickets. The program was designed to save money for both you and the Association, not to increase costs. Virtually every group in the country has been forced to do the same thing or to stop holding meetings where food is served. Your understanding and cooperation are imperative if we are to continue with a balanced meeting program.

All indicators point to an Association in future years with a vastly increased role, one that will encompass not only a wider diversity of people and interests but also represent a greater geographic area. The Association has grown from a relatively small interest group with a limited area of concern to be the Nation's largest organization devoted to sound and proper development and management of America's water and related land resources. We are now a national organization in fact, if not in name. Without going into great detail about the issues and activities our Association has involved itself in during the past year, I do want to touch on a few in order to give you an indication of the diversity this organization has assumed and the effective way in which your program has been prosecuted.

We have been foremost among those assisting the Water Resources Council in the formulation of guidelines for use by all Federal agencies in evaluating proposed water and related land resource projects. We either appeared presonally or were represented in each of the eight cities in which the Council heard testimony.

Until such time as the Water Resources Council issues its own, the Corps of Engineers will issue interim guidelines which will include consideration of intangible and indirect benefits.

Consideration of secondary benefits is imperative if the Nation's water resource program is to move forward. The interest/discount rate has been increased 50 percent in the last year and a half. On July 1 it will increase another ¼ percent to a new rate of 5⅛ percent. Such an increase in the interest rates without a corresponding re-evaluation of all benefits has completely distorted the benefit-cost ratio.

On this subject I would like to remind you what Senator Karl E. Mundt told last year's Annual Meeting. He said that the advocates for higher interest rates have presented their case for rates in the range of 10 percent to 15 percent. When proponents of water resource projects have expressed the fear that the implementation of such rates would kill water resource projects, some of the more ardent opponents have admitted that that is exactly what they want to do.

"Preservationist"—a term used advisably and with some contempt—but not to be confused with the conservationist who is honestly concerned with providing a clean and healthy environment for this and future

generations. Make no mistake about it, this is going to be the "Decade of the Environment". Unless this Association aggressively continues to pursue a course that involves it in proving our blighted water and air, we are going to wake up one morning to find ourselves out of the mainstream of American concern. This Association has for many years taken an anti-pollution position—long before it became a popular national concern. But we must continue to pursue this issue. Until very recently, who had heard the phrases "ecological balance" or "environmental quality"? Today, however, we find hoards of people writing letters to Congressmen, picketing construction projects, and even filing lawsuits to prevent the building of certain facilities. For the most part these people are grossly misinformed about the effects of construction on the general environment.

I think we would do well to heed the advice which former staff and executive committee member and Assistant Secretary of the Interior James R. Smith gave us at a recent meeting of the Association's Advisory Board, Executive Committee, and District Chairmen and Directors in New Orleans. He pointed out that: "We are living in and participating in the most rapidly evolving social change in the history of the world . . . there has been fantastic progress and a strange mix, with a man on the moon while we are concerned with poverty in the ghettoes". He also told us that our national goal of sustaining our Nation's economy must be closely aligned to the preservation of our natural resources base. "You must answer the preservationist arguments," he said, "with unassailable facts or you're going to lose the ball game." I believe his statement very well sets forth one of the many goals that we as an Association must move toward, that of attempting to close the wide void that presently exists between the radical preservationist and indiscretionate developer.

Jim is gracing us with his presence here this morning and may well want to refer to this in his comments to you.

There were a number of natural disasters which occurred during the past year, such as the devastation Hurricane Camille wrought on the Gulf Coast and Virginia and the floods which inundated large portions of the Mid-west. Another tragedy was the East and Gulf Coast dock strike which cost Mid-west shippers more than $270 million in unrecoverable losses. We could do nothing to prevent these events.

Then there are issues that we can, and are, influencing in the best interests of the American people. These deal mostly with legislation, and I believe they, too, point up the value of the relocation of our headquarters office in Washington, especially its ability to coordinate statements and other types of testimony of our other offices and the member organizations. A complete status report on all legislation affecting the various programs of the Association is not necessary but some of them should be mentioned. One is the on-again off-again "Mixing Rule Bill," which declares the number of regulated commodities and drybulk exempt commodities which can be carried in the same tow without subjecting all commodities to regulation. This will be with us for a while longer. An extension from compliance with the law has been granted by the Interstate Commerce Commission until June 30. This was intended to give Congress an opportunity to take a better look at the complicated transportation situation in this country.

Bills calling for the licensing of certain towboat personnel have been introduced in both houses of Congress. The Association, as well as many of its members, testified on this legislation and we are hopeful that when a compromise finally becomes law it will closely reflect the viewpoint contained in our Platform position on the subject.

Outside Washington there has also been legislation proposed which would adversely affect the interests of our members, and we have been successful in preventing final action on all of them. One in particular which has been of concern to us occurred here in St. Louis. I am referring to the Omnibus Harbor Bill that was recently vetoed by Mayor Cervantes, but which if enacted would have placed tremendous and undue hardship on the river transportation industry. Recently President Nixon has announced a new program which would add 30 ocean-going vessels to the American Merchant Marine fleet annually until 1980. While it is true that most of us live in cities far removed from international seaports we can foresee the potential of this program in assisting our national economy through increased exports and an improvement in our balance of trade.

The largest in land waterway improvement to date, the Arkansas River project, has taken a major step forward during the past year. (This project, larger than the St. Lawrence Seaway and the Panama Canal, is now making world seaports out of Arkansas and Oklahoma cities previously landlocked. By the end of this year, barge traffic will be extended on this waterway from the Mississippi River to near Tulsa, Oklahoma, thereby providing industry and agriculture with access to an interconnected waterway system reaching over 14,000 miles.) Not only are its navigation aspects important; it has provided multiple benefits which include reduction of flood damages, generation of hydroelectric power, water supply, recreation, and enhancement of fish and wildlife.

As we have all known, limited available federal funds have placed a tremendous crimp on many of the water projects supported by the Association. In many instances the Congress has readily recognized the value of these projects, but its actions have been thwarted by the unelected bureaucrats in the Bureau of the Budget. Typical of these are Lock 26 on the upper Mississippi and Lock 52 on the lower Ohio. Another is the Cross-Florida Barge Canal, and this particular project is also being confronted with a lawsuit to halt construction. These problems are serious ones which will probably be with use for some time, considering the current spending moratorium. Again this year we are sponsoring trips by winners from four states to the Soil Conservation District Commissioner's short course at Iowa State University. This is a most gratifying program and I heartily endorse the Association's participation and congratulate the most recent winners.

Last April, I was honored to be invited to New Orleans to accept an award on behalf of the Association. This was the New Orleans Board of Trade's award given annually to the organization "deemed to have performed outstanding service in the development and promotion of world trade through the Mississippi Valley area." On this occasion, Kent Satterlee, President of the New Orleans Board of Trade, had some kind words to say about the Association, and I quote, "During its 50 years of existence, the Mississippi Valley Association has done much to sustain the greatest of our natural resources—the Mississippi River and its tributaries. Through its active and energetic work in Washington, it has promoted the passage of much legislation which has been helpful to the Valley and insisted on the defeat of other bills which would have had a harmful effect." This is quite an endorsement of the effectiveness of our programs—one in which we all can take pride.

Before the meeting is adjourned I would like to remind you that among the items of business which still remains for your consideration this morning is a vote to determine whether the Association shall retain its present name or change it to "Water Resources Associated". I know most of you are well aware of the reasons why the proposal has been made to change the name. I will not outline them now, but I do want to say that since we have truly become a national Association both in terms of activities and membership, a name having no regional or membership limitations is highly desirable. We must even more deeply entrench ourselves as the Nation's leading spokesman for wise and enlightened utilization of America's natural resources.

In conclusion, I am reminding the officers and staff that the powerful voice that they use in carrying forward the program, goals and ideals of the Association is not their voice but the combined voice of the thousands of members of this Association.

SCHOOL PRESS: A LOOK AT THE SEVENTIES—19TH ANNUAL SAVANNAH STATE COLLEGE NATIONAL SCHOOL PRESS INSTITUTE AND COLLEGE COMMUNICATIONS WORKSHOP

Mr. TALMADGE. Mr. President, the 19th Annual Savannah State College National School Press Institute and College Communications Workshop will be held in Savannah, Ga., February 19–21. Its theme for this year is, "School Press: A Look at the Seventies."

This institute, which is affiliated with the Columbia Scholastic Press Association and numerous school-press agencies, is one of the most outstanding of its kind in the country. For almost two decades, it has compiled a fine record of journalistic contributions in school-press affairs. Each year, the institute brings young people together and underscores the importance of a strong and free press in a democratic society, and I know that these meetings have been very meaningful to all those who have participated.

I wish the college a most successful institute this year, and I particularly want to salute the president of Savannah State College, Dr. Howard Jordan, Jr., and Wilton C. Scott, who organized the institute 19 years ago.

ALCOHOLISM IN THE SOVIET UNION

Mr. HUGHES. Mr. President, I have frequently called the attention of my esteemed colleagues to the fact that alcoholism is one of the prodigious health problems in our country, exacting a staggering nationwide toll each year, in terms of human life, heartache, and economic waste. It is interesting to note that this is also a critical national problem in the Soviet Union, as is shown in a news article in the Washington Post of January 31, 1970.

This article states that "the Kremlin blames alcohol for most of the millions of man-hours lost in industry and farmwork each year and for much of Soviet crime."

It could be, Mr. President, that the United States and the Soviet Union may eventually be competing in alcoholism control programs, as well as missile production, in the interests of national security.

Mr. President, I ask unanimous consent that this news article about Moscow's problem with the overconsumption of alcohol be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOSCOW PUTS STIFF CURBS ON LIQUOR IN DRIVE TO REDUCE DRUNKENNESS

(By Anthony Astrachan)

Moscow, January 30.—City authorities moved today to restrict liquor sales in the Soviet capital.

It was the toughest step so far in a nationwide campaign to curb the drunkenness that is a fact of life in the Soviet Union. The Kremlin blames alcohol for most of the millions of man-hours lost in industry and farm work each year and for much of Soviet crime.

A senior Soviet official recommended national restrictions, starting like Moscow's but going further, last week. Yesterday, the trade unions promised their own measures against "violations of labor discipline."

Moscow Pravda, the city's Communist Party newspaper, announced today that local trade officials were restricting liquor sales to shorter hours and special stores.

Muscovites will be able to buy wines and spirits from 11 a.m. to 8 p.m. The previous rules allowed liquor sales from 10 a.m. to 10 p.m., and were often ignored.

Liquor will be sold only in special stores or in special sections of ordinary stores. Sales will be banned at stores near factories, educational institutions, recreational centers and parks.

Trade officials will start a new system of checking to make sure these rules are obeyed. They will also try to enforce the frequently ignored rule barring the sale of drinks to teenagers.

Last Saturday Boris Shumilin, deputy minister of internal affairs, recommended similar measures in an article in the Central Committee newspaper Sovetskaya Rossiya.

He called for restriction of liquor sales to special shops and even shorter hours—11 a.m. to 7 p.m. on work days, with a total ban on sales on weekends and national holidays. He added main highways to the list of locations near which sales should be prohibited.

Shumilin also recommended compulsory treatment of alcoholics at their own expense, without sick pay or other benefits. The Russian Federation and the Ukraine, the two largest of the republics that make up the Soviet Union, already have such laws. He suggested fines, imprisonment and a ban on trade for liquor sellers who violate the laws.

Shumilin said he would not advocate total prohibition because "as the experience of other countries has shown, this does not solve the problem."

The trade unions pledged yesterday to punish "violators of labor discipline, rolling stones, slackers and drunkards who cause damage to the national economy."

The Central Council of Trade Unions called for a range of penalties, from criticism at workers' meetings to deprivation of bonuses and loss of cheap vacation and health benefits.

Old Moscow hands do not expect the new rules to be easy to enforce.

Vodka, the main Soviet drink, brings in billions of rubles in state revenue from sales at three rubles a pint. That is $3.30 at the official rate, but the average wage for roughly four hours' work.

Many Russians consider it a bargain. When the Soviet Union switched from a six-day to a five-day work week in 1967, sales of spirits in the Moscow district rose 24.6 per cent in a year; food sales rose only 6.8 per cent.

People breakfasting in the window of a second-story Moscow apartment see men weaving drunkenly down the street several days a week. Some teenagers in Kimri, a small town in Central Asia, have been brought to the local sobering-up station more than 10 times a year, Komsomolskaya Pravda reported. A military doctor reported that soldiers were drinking anti-freeze fluids intended for military vehicles (thereby poisoning themselves).

Soviet sales of alcoholic beverages in 1966 were three times those in 1940. Western analysts calculated from Soviet figures that Russians drink 10 liters of spirits per head each year against 5.7 liters for West Germany and about 5 liters in the Tsarist Russia of 1900.

As for the connection of liquor and crime, a 1965 legal survey showed that in the Soviet Union, intoxicated persons accounted for 57 per cent of convictions for the infliction of bodily injury. Drunks also accounted for 67 per cent of convictions for rape, 90 per cent of those for manslaughter induced by hooliganism and 96 per cent of those for hooliganism.

LITHUANIAN INDEPENDENCE

Mr. RIBICOFF. Mr. President, during the month of February, Lithuanian Americans are commemorating the 52d anniversary of the establishment of the modern Republic of Lithuania. On February 16, 1918, an intensive and determined struggle for freedom from czarist Russia was achieved with the restoration of independence to Lithuania.

We join our Lithuanian friends in commemorating this occasion, and in also celebrating with them the 719th anniversary of the formation of the Lithuanian State by Mindaugas the Great.

But our joy is lessened by our memories of a tragic moment in history. Just 2 short years later, in 1920, this vital nation lost its precious freedom when once again the Soviet Union occupied the Baltic States. Although the Lithuanians have not yet regained their freedom, their hopes and dreams for independence have not withered. Still fervent in their hearts lies the aspiration for the right of self-determination and national independence.

Recently, both the Senate and the House of Representatives passed House Concurrent Resolution 416 calling for freedom in the Baltic States. I pledged my support of this resolution then, and I pledge my support of it now.

I urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations.

Let us declare once again our hope for a future of liberty and self-government for the nations of Lithuania, Latvia, and Estonia, and for all the peoples of the world.

SHOE IMPORTS UP—AMERICAN JOBS DOWN

Mr. McINTYRE. Mr. President, there are increasingly disturbing figures regarding the imports of shoes into this country.

The American Footwear Manufacturers Association has just published the shoe import figures for 1969 and they show that for the first time in history the imports of leather and vinyl types of footwear has reached nearly 200 million pairs. This is more than double the 96.1 million pairs imported just 3 years ago.

At the same time these figures become public the newspapers in the Northeast are carrying stories telling of new shoe plant closings and reductions in the shoe industry work force.

Mr. President, I urge my colleagues to note these facts with great seriousness. One of America's great industries is being sorely hurt. There are several proposals to cut back this expanding river of imports. If we do not move soon the dam will break and the shoe industry may well be drowned.

I ask unanimous consent at this point to insert the February 13 report of the American Footwear Manufacturers Association, which tells this story I have been recounting.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. FOOTWEAR IMPORTS, JANUARY–DECEMBER 1969

The year 1969 was the first in which imports of leather and vinyl types of footwear reached nearly 200 million pairs, more than doubling the 96.1 million pairs of three years ago, according to latest U.S. Department of Commerce figures.

JANUARY THROUGH DECEMBER OF 1969 AND 1968

Total 1969 leather and vinyl footwear imports reached 195.7 million pairs. The total is 11.5% greater than imports of 175.4 million pairs in 1968.

The 1969 imports amounted to 33.8% of an estimated 12 month domestic production of 579.0 million pairs. For the same period last year, the ratio of imports to production was 27.3% of a production estimate of 642.4 million pairs (this is a newly revised production figure from Census). Therefore, 1969 import penetration to date exceeds last year's penetration by almost 7 percentage points, a significant rise. Also leather and vinyl footwear imports have risen to a total f.o.b. value of $429.5 million against $328.5 million in 1968. In terms of f.o.b. value per pair, imported leather and vinyl footwear has climbed to $2.20 per pair against $1.87 a year earlier, or an 18% rise in one year.

DECEMBER 1969 VERSUS DECEMBER 1968

For the month of December, 1969, leather and vinyl footwear totaled 15.8 million pairs, 3.4% less than the 16.4 million of a year ago. Despite this slight drop, December imports were about 37% of an estimated domestic production of 42.6 million pairs, or 3 percentage points about the December ratio a year ago.

Shoes and slippers (leather and vinyl)	1969 pairs (thousands)	1968 pairs (thousands)	Percent change pairs 1969–68	Percent share of total 1969	Percent share of total 1968
From:					
Japan	63,655	65,146	−2.3	32.6	37.2
Italy	60,535	58,996	+2.6	30.9	33.6
Spain	20,690	14,249	+45.2	10.6	8.1
France	2,508	2,622	−4.3	1.3	1.5
China T. (Taiwan)	24,320	15,316	+58.9	12.4	8.7
Other countries	23,965	19,107	+25.4	12.2	10.9
Total pairs	195,673	175,436	+11.5	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Pairs in thousands. Dollars in thousands]

Type of footwear	Dec. 1969 pairs	Percent change 1969-68	12 months 1969			Percent change 1969-68	
			Pairs	Dollar value	Average value per pair	Pairs	Dollar value
Leather and vinyl, total	14,942.2	−6.3	187,393.1	419,841.0	$2.24	+10.0	+29.4
Leather excluding slippers	7,389.0	−5.2	96,493.9	344,272.2	3.57	+12.4	+30.3
Men's, youths', boys'	2,201.2	+20.5	28,938.1	127,223.9	4.40	+24.7	+37.3
Women's, misses'	4,634.0	−15.5	59,657.5	195,133.7	3.27	+4.9	+26.8
Children's, infants'	395.0	+23.6	5,151.3	8,199.6	1.59	+73.4	+88.8
Moccasins	34.5	+71.6	624.0	752.6	1.21	+5.8	+15.3
Other leather (including work and athletic)	124.3	−12.5	2,123.0	12,962.4	6.11	−5.8	+1.2
Slippers	16.4	−54.2	357.1	767.6	2.15	−22.7	−16.1
Vinyl supported uppers	7,536.8	−7.2	90,542.1	74,801.2	.83	+7.7	+26.5
Men's and boys'	855.1	+77.4	9,744.2	12,293.9	1.26	+26.6	+60.1
Women's and misses'	5,935.8	−14.3	70,969.7	55,840.2	.79	+3.5	+19.8
Children's and infants'	671.6	+10 2	8,111.2	5,752.8	.71	+29.7	+40.8
Soft soles	74.2	−27.4	1,717.0	914.3	.53	+13.3	+18.0
OTHER NONRUBBER TYPES, TOTAL	882 4	+106.7	8,280.0	9,685.7	1.17	+64.0	+132.2
Wood	320.2	+2,482.3	1,524.3	3,791.3	2.49	+558.7	+676.6
Fabric uppers	525.2	+42.2	5,887.0	4,715.4	.80	+36.2	+49.6
Other, n.e.s.	37.0	−18.1	868.7	1,179.0	1.36	+74.5	+122.0
NONRUBBER FOOTWEAR, TOTAL	15,824.5	−3.4	195,673.1	429,526.7	2.20	+11.5	+30.7
Rubber soled Fabric Uppers	3,326.8	16.7	44,512.7	33,203.5	.75	−9.5	+5.9
Grand total, all types	19,151.3	−6.0	240,185.8	462,730.2	1.93	+6.9	+28.6

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American Selling Price types.

Source: National Footwear Manufacturers Association estimates from Census raw data.

THE LATE BEN F. JENSEN—CONGRESSMAN 26 YEARS

Mr. CURTIS. Mr. President, on the 3d day of January 1939, I was sworn in as a Member of the House of Representatives. On that same day a Congressman from the neighboring State of Iowa was likewise sworn in. His name was Ben F. Jensen. From that day on, Ben Jensen was my friend. I admired and respected him.

Congressman Jensen served his Iowa district from January 1939 to January 1965. His record will stand out for all time to come. He was a man of high integrity. He was honest in all things. He was a patriot and he loved his country. Congressman Jensen died in Washington on February 5, 1970.

Congressman Ben Jensen rose to a place of prominence and leadership in the House of Representatives. He was the ranking minority member on the Appropriations Committee. He was interested in every good cause that benefited the country that he loved so much. He served his country in World War I and was a leader in the American Legion.

I wish to extend to Mrs. Jensen, to their daughter, and the grandchildren the sincere sympathy of Mrs. Curtis and myself. I am sure that they are comforted by the good life that he lived and the Christian faith that he exemplified.

Mr. President, our colleague, the distinguished senior Senator from Iowa, delivered a eulogy at the funeral services held for Congressman Jensen in Exira, Iowa, on February 10. I ask unanimous consent that the eulogy of Senator MILLER be printed in the RECORD at this point, and that it be followed by the article concerning the death of Congressman Jensen that was published in the Nishna Valley Tribune.

There being no objection, the eulogy and article were ordered to be printed in the RECORD, as follows:

TEXT OF EULOGY BY SENATOR MILLER

A great Iowan and a great American will be buried on a gentle slope above this little town this morning.

Ben Jensen, whose formal schooling ended with the ninth grade, but whose practical education in business and human relations was the equal of many college degrees, was a powerful and effective voice for the people he represented for so many years in Washington.

Now he has returned to the place he held so close to his heart after losing a patient and dignified battle with cancer.

It's a popular cliche to describe a man as "one of a mold," "unique," "a giant among his peers." Take your pick. Ben was all of these—and a warm-hearted, likeable, eminently human person besides.

He met folks equally and on the typically Mid-Western basis that everyone was a friend and neighbor until he proved himself otherwise.

He was a hard fighter, but, at the same time, tolerant and understanding of those who held contrary views.

He deeply believed in the causes for which he fought, because they were his people's causes, and he loved his people.

It was a great partnership—between Congressman Jensen and the people of the Seventh Congressional District of Iowa—and one that endured for twenty-six years!

Ben was truly a man from the good soil of Iowa, and he never hesitated to let it be known that he was proud of it.

He was a strong partisan, but he never questioned the Americanism of his political rivals—merely holding that they were espousing the wrong philosophy and approaches to the problems of our state and our country.

He genuinely liked people, and this showed through in his manner and, even more important, in his deeds. Few Members of Congress had as many real friends—on both sides of the aisle.

He took gracefully his only defeat at the polls in 1964 and continued his keen interest in the problems of the Seventh District. Instead of being bitter over a heart-rending loss, his attitude was one of thankfulness for the honor to have served his people for so many years.

When the doctors reported to him last month that he had a tumor which could not be removed by surgery, his reaction was remarkable—but it was so like him. He conveyed the sad news to a longtime associate with the comment: "Well, if that's the way it had to be, it's OK with me. Life doesn't owe me a thing. It's been plenty good to me!"

The philosophy expressed in those words should be comforting to all of us, who deeply grieve his loss, for we know that God must have smiled on this good man—one who loved life as much as anyone, but who did not fear death—because he believed.

DEATH STILLS THE VOICE OF EXIRA'S BEN F. JENSEN; CONGRESSMAN 26 YEARS

Death claimed one of Audubon county's most prominent citizens last Thursday.

Former Congressman Ben F. Jensen, 77, died in a Washington, D.C., hospital about 5:30 p.m. (eastern time). He had been ill with cancer for about a year, and underwent surgery in Washington last spring.

Since leaving Congress at the end of December, 1964, Jensen and his wife had spent each winter at an apartment in the Capital city.

Ben Jensen was born Dec. 16, 1892 on a farm near Marion, but lived most of his life at Exira where he managed the Green Bay Lumber yard until he went to Congress. He served in the Army in World War I and became active later in the American Legion. In 1937 he was elected seventh district Legion commander. The following year he sought the Republican nomination to Congress and since there were many candidates a district convention was needed to select the GOP nominee. Jensen was picked after more than 30 ballots.

Jensen went to Congress and served 26 years before losing in the landslide of 1964. He was a member of the Appropriations committee, and earned a reputation as a watch-

dog for the taxpayer. He was instrumental in saving America's taxpayers countless millions of dollars.

He always maintained his home on Kilworth street in Exira, and fondly called it "Home, Sweet Home." He retired there after the 1964 election except for the winters which he and Mrs. Jensen spent in Washington. Mrs. Jensen became known throughout the district at "Lottie." Even after he left Congress Ben was active in politics.

Survivors, besides his wife, include a daughter, Mrs. Betty Fitzpatrick of Marblehead, Mass.; five grandchildren; two sisters, Mrs. Mary Christoffersen of Cedar Falls, and Mrs. Julia Workman of Colorado Springs, Colo., and a brother, Oscar, of San Diego, Calif.

Final rites were held Tuesday at 10 a.m. in the Exira Lutheran church, with the Rev. Stanley Larsen officiating. U.S. Senator Jack Miller delivered the eulogy (text of which appears below). Norman Kirk sang, "How Great Thou Art," and "Ave Maria." He was accompanied by Mrs. Fred Nelsen at the organ. Casket bearers were Marion Jensen, Sam Jensen, Robert R. Jensen, Alfred Sorensen, Bob B. Jensen, Neal Jensen, Charles Powers, and Iver Christoffersen. Burial was in the Exira cemetery under direction of the Corl Funeral home.

Members of the Exira American Legion provided an honor guard, and graveside military honors were provided by the Exira Legion post.

Many state officials attended the service. They included State Auditor Lloyd Smith, Secretary of Agriculture L. B. Liddy, Rep. William Harbor, speaker of the Iowa House of Representatives, along with six other state representatives; State GOP Chairman John McDonald of Dallas Center; former Democratic State Chairman Jake More of Harlan, and many others.

Jack Watson, onetime Council Bluffs resident who was Jensen's longtime trusted administrative assistant, attended the service from Washington. He now is assistant to Congressman Wiley Mayne.

SLICK OF THE MONTH CLUB

Mr. BOGGS. Mr. President, during the past weekend all America was shocked to see photographs of yet another major oil spill. This time, the oil-stained birds and shoreline were found near Tampa, Fla., after a tanker ran aground.

Since the *Torrey Canyon* broke up at sea nearly 3 years ago, we have had numerous incidents of damage to our environment as a result of the transportation of oil on the seas, as well as drilling for oil beneath the sea. It has been less than 7 weeks since New Year's Day, yet major oil spills have already occurred off Louisiana, Massachusetts, and the Canadian Province of Nova Scotia, in addition to Florida. It has reached the point where there is too much truth in the ironical reference made in the Wilmington Evening Journal to the "Slick of the Month Club."

Conferees from the Senate and the House have met periodically since before Christmas to resolve differences on legislation that would meet this problem of oil spills. The Senate version, introduced as S. 7, achieves the necessary goal of settling on any shipper or driller the legal and financial responsibility for any oil he discharges onto the seas. In the conference, we have settled many of the differences. It is my hope that these recent oil spills will give to the conferees encouragement to resolve rapidly the remaining points at issue. We may then achieve that time when the public interest stands fully protected should another "slick of the month" occur.

Mr. President, to enable my colleagues to read about this latest spill in the perspective of the growing problem of spills, I ask unanimous consent that the editorial I mentioned from the Wilmington Evening Journal be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT START A CLUB?

Habitues of America's beaches and shorelines were not unfamiliar with the occasional blackening of these favorite haunts by accidental escape or deliberate discard of oil. The incidents were disturbing but infrequent enough so that it was possible to deplore them and forget them.

The horrifying potential of oil spillage was not brutally evident until March of 1967. 35 million gallons of oil spilled from the tanker Torrey Canyon, stranded off Land's End, England. That oil coated the sandy beaches of Cornwall and Brittany, fouled boats and harbors, and wiped out birds by the flocks.

When the incident's impact was finally established, Torrey Canyon's owners paid damages of $7.2 million.

Things haven't been quite the same since. Even the lesser damage of beaches by oil pumped from bilges or spilled by passing vessels is no longer taken philosophically. Delaware communities from Rehoboth Beach to New Castle have known the offensiveness of oil-coated shores.

There have been similar incidents at Fire Island, N.Y., Ocean City, N.J., on the Mississippi River and at Falmouth, Mass., since Torrey Canyon. Each stirred public indignation but none was great enough to generate remedial or preventive action.

That was not the case with the oil well leak in the channel off Santa Barbara, Calif., just over a year ago. The magnitude of blight by oil began to approach that of the Torrey Canyon; boats and harbors, beaches and wildlife again sustained uncounted losses.

The cry from aggrieved residents, businessmen and conservationists hasn't stopped. More than a year later, oil continues to seep from the floor of the channel, keeping the conservationists alert for new devastation of shorelines and decimation of wildlife.

Since the start of 1970, beaches and wildlife have been despoiled in disastrous volume at Grand Isle, La., and Martha's Vineyard, Mass. Last Thursday, the stern of the tanker Arrow sank off Nova Scotia, still leaking the million gallons of oil it contains. Extensive damage to beaches and marine life had only begun but was conceded to be inevitable by marine biologists.

The weekend brought news of a new threat, this time to the west coast of Florida. A tanker spilled oil for the second time in a week in Florida waters and the toll of shore and wildlife damage has just begun to be counted.

Sen. J. Caleb Boggs, R-Del., and fellow supporters seek final passage of a bill to provide stronger oil pollution controls. The House and Senate are preparing to compromise separate bills they approved to impose penalties on oil drillers or ships that damage coasts and waterways with spills or leaks.

Meanwhile, the hazard of oil spillage has reached the proportions where emergency restoration and conservation organization are so busy they ought to form a "Slick of the Month Club."

RED ATROCITIES NEAR MYLAI

Mr. CURTIS. Mr. President, from time to time some of us, even as the Vice President, have reason to question the news judgment of those who have accepted the responsibility and, in fact, have insisted on the right to keep us informed—as they see fit.

Without questioning the motives of the men who decide which news will run where, if at all, let me say some of their decisions, regardless of motivation, are most frustrating. Especially they are frustrating to those of us who are old fashioned enough to want at least to judge Americans by the same standards as the rest of the world is judged.

Today I have in mind particularly the Post of Thursday, February 12, Lincoln's birthday.

On page 1 of that edition of the Post is the story of Lieutenant Calley.

Those of us who read the Washington Post have noticed the very prominent display given to the Mylai massacre story. It is usually on page 1. As a result of the Mylai story other charges and rumors of atrocities and murders by Americans, whether justified or not, also have received prominent play.

Now I am not here to question that news judgment.

But I am here to ask why stories of Communist atrocities do not receive equal play?

The other side of the coin, however, is back on page A33, hardly a likely place for the hurried reader to find important news. The side of the coin I refer to is a story entitled, "Red Atrocities Near Mylai Revealed."

Mr. President, while not in any way justifying any atrocities Americans may have committed, it is well to know that the other side is also guilty.

American atrocities are isolated incidents of war. They are not a general practice of American military men. I do not think the North Vietnamese can make that same statement.

Mr. President, following is the atrocity story from page A33 of the Washington Post. On the assumption some of my colleagues might have missed it, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED ATROCITIES NEAR MYLAI REVEALED

(By Arthur J. Dommen)

SAIGON, February 11.—A rare admission of atrocities by the Communists in South Vietnam has come to light—in the same province, Quangngai, where American troops are alleged to have massacred civilians at Mylai.

A document in the hands of allied analysts authenticates the enemy's responsibility for "the killings of 12-year-old children, their parents and relatives."

Frameups of personal enemies, summary executions and beatings of prisoners were also admitted, and the document complained that these actions reveal a breakdown of discipline.

The document, addressed to a "Comrade To," identified only as belonging to a "Quangngai city action unit," was signed by the single name "Hong" and the words "By order of NV71."

"In some areas, the hamlet secretary usually accused those who opposed him as being dangerous tyrants or spies," the document said. "Then the hamlet unit secretly arrested and executed these people without bringing them to trial . . .

"The killing of 12-year-old children, their parents and relatives occurred in some areas. The most serious thing was the secret execution of people which was carried out by a number of individuals of party committee echelons in hamlets, districts and villages," the document stated.

With the customary attention to detail shown by the Vietnamese Communists, the document urged "all comrades responsible for various areas" to ensure proper observance of regulations and to report all violations to higher echelons.

The Communist infrastructure in Quangngai Province, on the coast of central Vietnam, has been in operation for a generation now, and its members are regarded by their fellow Vietnamese as among the most hard-line Communists in the country.

American analysts said the document was captured near Quangngai city by troops of the Americal Division, the unit involved in the alleged Mylai massacre of March 1968. The date of capture was Dec. 13, 1969 and the document itself was dated Oct. 21, 1969.

The document was translated in full and distributed by the Captured Documents Evaluation Center, a branch of the U.S. Military Assistance Command in Vietnam.

Analysts have long known that the Communists followed a deliberate policy of eliminating persons they regarded as "reactionaries," but this is one of the rare instances of Communists admitting that the execution of such persons had gotten out of hand, even in one small area.

The document noted that "security sections will be in charge of making out rosters and will determine the people who deserve to be killed or warned."

COMMITMENT—NOT RHETORIC—NEEDED TO IMPROVE THE ENVIRONMENT SAYS SENATOR MUSKIE

Mr. EAGLETON. Mr. President, the task before us as we seek to control the forces that degrade our environment is becoming increasingly clear. Support for efforts to improve the quality of life in our cities and in our rural areas has begun to come from heretofore uninterested individuals and organizations. The public demand for increased action to deal with the problems of air and water pollution, disposal of agricultural and solid waste, and adequate recreational areas and living space is beginning to have an effect.

The Senator from Maine (Mr. MUSKIE) perceived the necessity for action to meet these needs long ago. As chairman of the Subcommittee on Air and Water Pollution of the Committee on Public Works since 1963, he has worked to develop effective programs for the control of air and water pollution and the disposal of solid wastes.

Last month, in Chicago, Ill., Senator MUSKIE provided a lucid exposition of the threat posed to our environment and the requirements needed for effective action. His message is especially significant in light of the rhetorical shroud which has begun to engulf public demands for action. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT: CAN MAN PROSPER AND SURVIVE?

Adlai Stevenson once said: "It is the urgent duty of a political leader to lead, to touch if he can the potentials of reason, decency, and humanism in man, and not only the strivings that are easier to mobilize."

Today is the anniversary of Martin Luther King's birth. His death was a setback for the forces of reason, decency and humanism. It came at a time—still with us—when men tended to yield to "strivings that are easier to mobilize"—fear, suspicion, prejudice, hatred.

It would be well to pause a moment to consider a thought expressed by Einstein: "Many times a day I realize how much my own outer and inner life is built upon the labors of my fellow men, both living and dead, and how earnestly I must exert myself in order to give in return as much as I have received."

It is a thought which has its application as well to the question of man's relationship to his environment.

At least since Franklin's time, men have debated the blessings and the dangers of technological progress.

In 1843 Thoreau said of machines: "They insult nature. Every machine, or particular application, seems a slight outrage against universal laws. How many fine inventions are there which do not clutter the ground?"

Unhappily, perhaps, a different thought prevailed—one expressed in 1909 by city planners Daniel Burnham and Edward H. Bennett in these words: "The rapidly increasing use of the automobile" would promote "good roads and (revive) the roadside inn as a place of rest and refreshment. With the perfection of this machine and the extension of its use, out of door life is promoted, and the pleasures of suburban life are brought within reach of multitudes of people who formerly were condemned to pass their entire time in the city."

With the benefit of hindsight, which view would we say was nearer the truth?

This much—surely—we know: that material affluence exacts a price of the natural environment man needs to survive.

This much more we should know: that unless we change our ways, the price is one that threatens man's survival.

This, I believe, is the reason environmental protection has become such an important social and political issue.

It is important because the threat is real and present. It is important because it strikes at some cherished illusions about our society and about ourselves. It is important because the world which our children will inherit is in serious trouble.

The pollution problem is not new. Ancient societies sensed it. The Romans grappled with it. The British were plagued with it when they tried to use sea coral. Well over a century ago Henry Thoreau was warning us against damage to the natural resources of New England.

But until very recently, man has been willing to accept pollution as "the price of progress." Now he is not certain that "progress" is worth the price.

Lord Ritchie-Calder observed recently that "the great achievements of *Homo Sapiens* become the disaster-ridden blunders of unthinking man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called 'prosperity' at the expense of posterity."

Americans, today, young and old, are putting more stock in posterity than in the general dream of prosperity. They have been frightened by the prospect of nuclear war and appalled by the destruction of conventional war. Their confidence has been undermined by the findings about cigarettes and health, the side-effects of certain drugs, the long-term damage of pesticides and insecticides, and the potential hazards of diet-sweeteners which are supposed to keep you slim and trim.

They have learned a great deal about these threats through the media from television specials and newspaper and magazine articles, and even from advertisements placed by companies eager to prove how concerned they are about the environment.

As always, men and women will lash out against the obvious threats to their health and well-being. They will attack nuclear power plants and oil refineries, paper mills and automobile factories, tanneries and steel mills. At the same time, unfortunately, very few will ask questions about their own demand for electrical energy, for fuel, for paper, for automobiles, shoes and steel products. Very few will question the damage they are causing as part of a consumption-oriented society.

We must understand that we cannot afford everything under the sun. Since our technology has reached a point in its development where it is producing more kinds of things than we really want, more kinds of things than we really need, and more kinds of things than we can really live with; the time has come to face the realities of difficult choices.

The time has come when we must say no to technological whims which pose a greater threat to the environment than we can control.

We have come a long way in alerting the public to the danger of pollution. We still have a long way to go in getting individuals to accept their own responsibility for improving the environment—whether they are industrialists, developers, public officials, or private citizens.

In 1963 the Congress enacted the Clean Air Act over complaints that 'there is no need for the Federal government to become involved in air pollution."

In 1965 we moved to establish Federal control over automobile emissions while the Department of Health, Education and Welfare argued that a mandatory program was premature.

In 1967 we enacted the Air Quality Act establishing a regional approach to air quality improvement and were told by private industry that there is not sufficient evidence to demonstrate a relationship between health and air pollution.

Much the same legislative history accompanies enactment of Federal water pollution control legislation. Even though 15 million fish died last year from water pollution, even though water supplies are increasingly threatened, and even though demands for water recreation increasingly go unmet, industry leaders have resisted a minimal requirement to apply economic and technically feasible control technology for pollution abatement.

Very recently the soap and detergent industry contended that because it is not the only cause of lake eutrophication, it should not be asked to find substitutes for phosphates in its detergents.

The public is not prepared to accept such arguments any more. Neither is it prepared to accept empty political promises on environmental quality. And the public is right.

Too often our environmental quality legislation reminds us of unkept promises and unmet needs. We talked about $6 billion of Federal funds for community water pollution facilities and in 1966 the Senate voted that amount. The Congress finally agreed to $3.25 billion. But two Administrations have asked for only $620 million of the first $2 billion.

As the author of most of this legislation, I hope that new programs will be requested, that the Congress will respond, and that new commitments will be made. But I am concerned that new promises will be broken, because we are not prepared to back up those promises with the commitment of resources to the fight against pollution.

To those newly aroused about the dangers, let us make clear that the mere rhetoric of alarm is not enough.

To put it bluntly talk will not be cheap if its objective is further delay.

We cannot expect to whip the public into a fervor of anticipation and not deliver the environmental improvement our words promise.

Statements of national policy, appointment of advisory councils, reorganization of Congress or the Federal bureaucracy, and talk of incentives are cake when the people of the United States, especially the young people, would like to see some bread.

ABC's William Lawrence put it this way in summing up the nation's domestic needs: It is time to "put our purse where we put our promises."

This is the critical issue on which the success or failure of an effort to control and improve environmental quality will be devised. There is a tendency to assume that programs to attack existing pollution problems do not exist. They do—but they have not been funded.

To date no substantive environmental program has received meaningful support from President Nixon or his Cabinet. The Administration's effort has been slogan-rich and action-poor. Rhetoric has taken us in one direction, while inaction has taken us in the other.

Let's look at the record.

Water pollution control demands are high. The Federal government owes communities and States more than $760 million in due bills for projects now being built or completed, and new projects will need $2.3 billion Federal dollars this year. But this past year the Administration requested only $214 million of an authorized $1 billion. $800 million was voted by the Congress but indications are that nearly $600 million of these funds will be impounded.

Solid waste, responsible for numerous health and aesthetic problems, threatens to engulf us. Secretary of Health, Education, and Welfare, Robert Finch testified to the critical nature of the nation's solid waste problem during hearings on pending bi-partisan legislation—legislation which would move toward recovery, recycling and reuse of the vital resources which today the nation burns, buries or dumps. After providing an excellent critique of the immensity of the problems, he flatly opposed making available the funds required to fund and implement solutions.

A stirring State of the Union speech, based on thousands of man-hours of research on the problems of the environment will be just another *contribution* to environmental pollution if it does not include a firm commitment of manpower, money and back-up authority to attack the backlog of pollution problems and give us the capacity to prevent a greater disaster.

I want to underscore the importance of dealing with today's problems while we attempt to head off the threats of tomorrow. Because of the romantic appeal of combatting tomorrow's problems in their infancy, there will be a temptation to focus attention on the projected dangers at the expense of today's needs.

Romance is a necessary ingredient in motivating people to act, but it can turn to disillusionment if we find that we have protected ourselves against the dangers of DDT while our rivers and lakes have turned into cesspools.

We need an environmental policy which is designed to correct the abuses of the past, to eliminate such abuses in the future, to reduce unnecessary risks to man and other forms of life, and to improve the quality of our design and development of communities, industrial units, transportation systems and recreational areas. Such a policy must be carried out in the context of an increasing population which, because of the leisure and affluence available to it, will make greater demands on resources and the natural environment.

As a step toward implementing such a policy I have recommended the creation of a watch-dog agency responsible for Federal environmental protection activities. Such an agency must be independent of Federal operating programs and it must have authority to develop and implement environmental quality standards.

There are those who favor the creation of a Department of Natural Resources or a Department of Conservation to handle such functions. Whatever the merits of such a department to serve *other* purposes, such a move for these purposes would be a mistake, because it would ignore the fact that our environmental protection problem involves competition in the use of resources—a competition which exists today in the Department of the Interior and would exist in any department which must develop resources for public use.

The Department of Transportation is not the agency to determine air pollution control requirements for the transportation industry. The Atomic Energy Commission is not the agency to establish water pollution control requirements for nuclear power plants. The agency which sets environmental quality standards must have only one goal: protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

The problems of environmental pollution will not be solved by picking up the rhetoric of anti-pollution concerns and then assigning the control of pollution to those responsible for the support or promotion of pollution activities.

The focus of our environmental protection effort must be man—man today, man tomorrow, and man in relation to all the other forms of life which share our biosphere. And man's environment includes the shape of the communities in which he lives, his home, his schools, his places of work, his modes of transportation and his society.

Our environmental concern must be for the whole man and the whole society, or else we shall find that the issue of environmental protection is another one of Don Quixote's windmills.

Last week I participated in hearings on our disaster relief program as it related to Hurricane Camille. Of all the lessons I learned from those hearings, one of the most important was the need to build better than we have when we have encountered a natural or man-made disaster.

The disaster of environmental destruction, which is all around us, should be turned into an opportunity to rebuild our society. We can make that opportunity if we reorder our priorities.

The economic imbalance which has caused the population shifts which now so deeply trouble our American cities.

The adequacy of housing and services both in urban and rural America.

The availability of health services.

The conservation of natural resources.

The availability of recreational opportunities in and around our cities.

All of these are high on the list of domestic priorities and none of these can be said to be any less important or basically more important than the crisis of the environment. They are, indeed, a part of the environment.

If we see man as a part of his entire environment, and if we see more clearly our relationship to each other, we may be able to make America whole again.

It is the crisis of division and distrust in our society which, left unresolved, will make achievement of our other priorities meaningless.

We cannot live as two societies or four societies: and government, State, local or Federal, cannot bring us together. Today is the anniversary of the birth of Dr. Martin Luther King, who spent a lifetime trying to weld black and white together and who was lost before he won. He gave his life to avoid this deep division and to eliminate hatred of man against his fellow man.

I think it is well to recommit ourselves today to the goals set forth by Martin Luther King, and to make that commitment in the spirit of the American dream, which is not simply affluence and physical comfort, but a society of healthy men and women free to achieve their own potential.

A STUDY IN MARXIST REVOLUTIONARY VIOLENCE: STUDENTS FOR A DEMOCRATIC SOCIETY

Mr. CURTIS. Mr. President, an astute and penetrating analysis of the revolutionary violence which is being conducted by the Students for a Democratic Society has been made by Mr. John Edgar Hoover, the Director of the Federal Bureau of Investigation.

This analysis was published in the December 1969 issue of the Fordham Law Review. Because many Members of the Senate did not have an opportunity to read it there, and should be aware of the contents of this excellent article, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STUDY IN MARXIST REVOLUTIONARY VIOLENCE: STUDENTS FOR A DEMOCRATIC SOCIETY, 1962–1969

(By John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

People ask, what is the nature of the revolution that we talk about? Who will it be made by, and for, and what are its goals and strategy?

The goal is the destruction of US imperialism and the achievement of a classless world: world communism.

The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement . . . A revolutionary mass movement is different from the traditional revisionist mass base of "sympathizers," *Rather it is akin to the Red Guard in China*, based on the full participation and involvement of masses of people in the practice of making revolution; *a movement with a full willingness to participate in the violent and illegal struggle.*

The RYM [Revolutionary Youth Movement] must . . . lead to the effective organization needed to survive and to create another battlefield of the revolution.

A revolution is a war . . .This will require a cadre organization, effective secrecy, self-reliance among the cadres . . . Therefore the centralized organization of revolutionaries *must be a political organization as well as military, what is generally called a "Marxist-Leninist" party.*[1]

We must take every opportunity to explain that the state cannot be challenged except through revolutionary violence. This is its nature.

We must study revolutionary principles of organization as Lenin, Mao, and others have written about them, develop collective methods of work and decision-making, and fight anti-communism. . . .

It is part of our function as a revolutionary youth movement. . . .[2]

We're not communist inspired. We're communists. Corrupt, evil and it [our system of government] should be destroyed, in fact smashed.[3]

A disease afflicts America today—the disease of extremism. We see extremism of sev-

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eral varieties: left wing extremism (Old Left and New Left); right wing extremism (Minutemen); black extremism (Black Panther Party); white extremism (Ku Klux Klan and anti-Negro hate groups).[4] The mass media each day is filled with charges and countercharges, with accusations and counteraccusations, with one group bitterly assailing and denouncing another group. All too frequently these verbal assaults are reinforced with violent acts: murder, assault, arson, bombings.

Extremism poses a dangerous threat to the integrity of democratic institutions. Every American should be concerned. When individuals or organizations take the law into their own hands, they render a grave disservice to the concepts of civility and legality which hold our society together. The Greek historian Thucydides many years ago wrote about Athens:

"Trust, the main element in high character, disappeared, laughed to scorn, and a convinced, suspicious hostility between man and man everywhere took its place."[5]

Our democratic society is held together by the law—that body of precedents, interpretations, statutes and pragmatic applicants which theoretically provides balance, fair play and, to the best of human judgment, justice and dignity to the individual. The democratic process provides for change—but change within the framework of law. "The life of the law," said Justice Oliver Wendell Holmes, "has not been logic: it has been experience."[6] The law is a constantly evolving process which allows errors to be corrected, judgments to be reversed, and new knowledge to be incorporated.

Our society allows and encourages protest and dissent,[7] the opinions of the minority as well as the majority. Every citizen and group has the right (and duty) to point out the many imperfections in society and to take steps to have them corrected. But these steps must be within the democratic process—not in opposition to the law. Civil disobedience, violence and flouting of the law have no place in a democratic society. Free government is tragically weakened when individuals show disrespect for the law, engage in vigilante actions or endeavor to set one element of society against the other. When any group openly proclaims that our government should be overthrown by violence, the time has come to be concerned—and we as a nation have reached that point!

The quotations above[8] reflect the existence in America today of a small group of individuals, primarily college students, who are working for the overthrow of our democratic institutions. A scant two years ago, few Americans had heard of the Students for a Democratic Society (SDS). Today these initials are the trademarks of a movement whose members have developed into embittered, vociferous revolutionaries who have ignited many campus insurrections. They have nothing but contempt for this country's laws.

Here is a new type of extremism, an extremism all the more dangerous because it emanates from a group of young people (many of whom are highly trained academically) whose bitterness against their country is so intense that many of them want blindly to destroy without much (if any) thought as to what is to emerge from this destruction. Their ill will is guided more by whim than plan, more by cynical pessimism than hope for a better future, more by the spiteful revenge of the frustrated than by dedication to a noble cause. A type of youthful barbarism[9] seems to have taken hold of this minority (SDS being an extremely small minority of our college generation). Danger arises from the fact that these people, in their hatred and anti-intellectualism, will cause great damage not only in the academic community but also in society as a whole.

Let us look briefly at the history and development of the SDS from a relatively obscure and mild campus group to an organization advocating Marxist revolutionary violence. Then let us discuss some of the controlling processes and techniques of the SDS mentality, *i.e.*, the processes which have severed allegiance to this country and to democratic principles.

The history of SDS is brief—spanning a scant seven years. Actually, SDS as we know it today was born at a convention of a mere handful of students meeting at Port Huron, Michigan, in June, 1962.[10] These were the days of the civil rights struggles in the South. Many SDS members and sympathizers had been active in voter registration drives and freedom demonstrations and rallies. Their enthusiasm ran high and it seemed that SDS was to be a militant protest group bent on achieving reforms.

The original ideological framework of the SDS was proclaimed in the so-called Port Huron Statement adopted at the founding convention. Though the statement dealt with many issues of the day, it was characterized by two key words—"participatory democracy"—meaning, among other things, that the institutions of American society should be more open for individual participation and citizens should be encouraged to develop a sense of personal responsibility and concern.

"As a *social system* we seek the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation"[11]

The preamble of SDS's constitution[12] contains this sentence:

"It [SDS] maintains a vision of a democratic society, where at all levels the people have control of the decisions which affect them and the resources on which they are dependent."

Following the Port Huron convention, SDS leaders returned to their respective campuses and embarked on an ambitious organizing campaign with the primary objective of "radicalizing" the students.[13] In 1964, the Free Speech Movement erupted at the University of California at Berkeley. Also, there were the Gulf of Tonkin incident (August, 1964) and the escalation of the Vietnam War. New Left leaders began channeling the movement into anti-war activities. The SDS actively participated in the growing student unrest and the demonstrations against the Vietnam War. However, SDS was not yet regarded as a revolutionary, violence-prone group.

In fact, SDS involved itself in community action projects. In the autumn of 1964, SDS reportedly was active in seven such projects.[14] The theory of these projects was to organize the residents of communities around the immediate issues which affected their lives, such as housing, jobs, education, voting rights, and opposition to the war in Vietnam.

The "participatory democracy" theme propounded by SDS brought many enthusiastic responses. "What is the strategy of social change implicit in the concept of participatory democracy?"[15] asks one commentator. He went on to say:

"The concept has become important this past winter [1964–1965] . . . [A] number of SDS leaders have left college and are seeking to apply the idea in Northern ghettos. . . .

"The SNCC [Student Nonviolent Coordinating Committee] or SDS worker does not build a parallel institution to impose an ideology on it. He views himself as a catalyst, helping to create an environment which will help the local people to decide what they want."[16]

Enthusiastically, this commentator could say: "A new style of work, fusing politics and direct action into radical community organization, is emerging in both SDS and SNCC."[17]

But the whole concept of "participatory democracy"—meaning a sincere effort to strengthen democratic processes by increased citizen responsibility—was a mere shibboleth. The seeds of anti-democratic thought contained in the original Port Huron Statement began to sprout, and the SDS (starting around 1966–1967) changed rapidly and perceptibly. It became more militant, more hostile, more anti-everything.

A close observer noted the process:

"A year ago SDS was discussing the possibility of a move "from protest to politics." Today the discussion, and perhaps the decision, is "from protest to resistance." The distinction between politics and resistance is so great as to imply a qualitative change."[18]

This "qualitative change" was fundamental and foreboding: *The SDS had rejected the role of working as a left wing force within the traditional political structure of society.* "Most people in SDS," said one of its national leaders, "are not even vaguely sympathetic to the parliamentary game."[19] Instead, it had cast its lot on a policy of resistance.

"No matter what America demands, it does not possess us. Whenever that demand comes—we resist.[20]

"A resistance movement, based on the slogan, 'Not with my life, you don't' is basic to helping people break out of their own prisons.

"Many of us in SDS share a conviction that this is what has to happen. That we must resist, and that people must break free. None of us is sure we can win. All we can say is that there are other ways to lead our lives in the face of the obscenity of what American life is—and that we intend to live them that way."[21]

The dangerous Rubicon of violence had been crossed! Since 1967 the SDS has been involved in an ever escalating tempo of radical activity. In the spring of 1968, SDS was a spearhead in the violent student demonstration at Columbia University. The 1968–1969 academic year saw SDS violence on many campuses, including the conviction of an SDS member at a Midwestern university under the federal sabotage statute[22] for attempting to bomb a Reserve Officers' Training Corps (ROTC) building on campus. In April, 1969, Cameron David Bishop, an SDS member, was placed on the Federal Bureau of Investigation's (FBI) "Ten Most Wanted" list of criminal fugitives. Bishop was charged with sabotage in the dynamiting of power transmission towers in Colorado.

The primary responsibility for handling violations of the law in connection with student disruptions rests with local law enforcement. The FBI, as a federal investigative agency, does not possess police powers including guarding buildings and grounds or providing personal protection. The FBI's responsibility is primarily twofold: (1) collection of intelligence data for immediate dissemination to authorized individuals in the executive branch of the government; and (2) securing evidence of any violation of federal laws within its jurisdiction.

Reported incidents attributed to the New Left suggest a few of the most serious federal crimes which some extremists may be disposed to commit. One group of offenses would be directed toward crippling military programs, including such acts as (1) sabotage to ROTC facilities on campus, recruiting stations, and other military installations, or war material (18 U.S.C. §§ 2151–56 (1964)); (2) destruction, theft, or alteration of any Selective Service document or record (50 U.S.C. App. § 462 (Supp. IV, 1969); 18 U.S.C. § 1361 (1964)); (3) counseling evasion of the Selective Service Act (50 U.S.C. App. § 462 (Supp. IV, 1969)); (4) counseling insubordination or disloyalty of troops (18 U.S.C. § 2387(a)(1) (1964)); (5) harboring deserters from the Armed Forces (18 U.S.C.

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§ 1381 (1964)); and (6) interference with government communications (18 U.S.C. § 1362 (1964)).

Another group of offenses would involve riot and civil disorder such as (1) traveling in interstate or foreign commerce to incite a riot or otherwise encourage, participate in, or commit any act of violence in a riot (18 U.S.C. § 2101(a)(1) (Supp. IV, 1969)); (2) interfering with any fireman or law enforcement officer on official duty during a civil disorder in any way that obstructs or adversely affects interstate commerce (18 U.S.C. § 231(a)(3) 1964)); or (3) interferes with the exercise of federally protected rights (18 U.S.C. § 245(b) (Supp. IV, 1969)).

There are many other possibilities, of course. Among these are (1) advocating overthrow of government (18 U.S.C. § 2385 (1964)); (2) desecration of the flag of the United States (18 U.S.C. § 700 (1964)); (3) assaulting, resisting, or impeding certain officers of the federal government (18 U.S.C. § 111 (1964)); (4) assaulting certain foreign diplomatic and other official personnel (18 U.S.C. § 112 (1964)); and (5) threats against the President (18 U.S.C. § 871 (1964)).

At the SDS's 1968 national convention in Michigan, a workshop on sabotage and explosives was held. Here participants were told not only how to manufacture Molotov cocktails and incendiary devices but also how they could best be used against the "Establishment."

In December, 1968, the SDS's National Council approved a resolution entitled "Towards a Revolutionary Youth Movement." This resolution stated flatly:

"The main task now is to begin moving beyond the limitations of struggle placed upon a student movement. We must realize our potential to reach out to new constituencies both on and off campus and build SDS into a youth movement that is revolutionary.[23]"

This is where SDS is today [24]—a youth movement dedicated to a revolution of violence.

The SDS, however, is merely one group in the so-called New Left movement. This movement consists of many elements, for example, anarchists, communists (of various types), hippies, pacifists, and idealists. We must be extremely careful in differentiating and not lump all protesters into the extremist SDS category. Protest is a legitimate function of the university and society as a whole. This nation was built on protest. Many students and adults, for sincere reasons of their own, oppose the war in Vietnam, the draft, and university policies. They have a right to protest within the structure of free government. Great damage can be done by labeling these individuals as SDS members or guilty of advocating revolution. These non-SDSers are frequently manipulated by the extremist minorities, but they should not be summarily categorized as members or sympathizers of SDS.

Just what processes caused these tragic developments in the SDS? What factors molded the thinking and actions of this extremist minority of young people?

1) *A basic and fundamental rejection of democratic institutions and values as archaic, irrelevant and meaningless.*

SDS literature is filled with comments contemptuous of democratic institutions and processes. "I don't plan to vote," said an SDSer. "It's no choice—there are three pigs running for president. [W]e denounce the electoral process, it's senseless." [25] "Vote Where Power Is. Our Power Is in the Street." [26] proclaimed an SDS publication. "While courts are still available to us as a means of defense, we should use them to the fullest extent, using the opportunity each time we appear in court to make clear the political nature of the police, courts, and attacks on individuals," [27] proclaims the Revolutionary Youth Movement II. The law enforcement officer is called a "pig." SDS members taunt, and hurl bitter obscenities against the police officer. In a recent interview SDS leaders were asked:

Question: "How would you describe the government and the structure of this country?"

Answer: "Capitalist, pig, power structure. That's what it is."

Question: "Would you call it democracy at all?"

Answer: "No." [28]

The whole history of Judaic-Christian culture is ridiculed, mocked and scorned. Out of this rejection of a belief in democratic values, grow dangerous processes.

2) *Violence as the type of leadership required to effect change in the United States.*

If an individual rejects democratic values, then violence becomes an acceptable means of action. The hatred of the "Establishment" (meaning the government, the military, private industry, and the educational system) is so intense that *any* means of attack is justified.

"Until the student is willing to destroy TOTALLY and JOYFULLY those repressive structures—to attack and destroy the bourgeois social order—his student movement will always be just that—never truly revolutionary. There can be no liberated university in a dead society. All or nothing. The buildings are yours for the burning, for until they are destroyed, along with civilization and its DEATH, YOU will not live.

"The revolutionary project should be clear to the student—destruction of the university . . . unless the student is capable of destruction as creation, there will be no revolutionary transformation." [29]

To the SDS member, a key feature of this violence is guerrilla warfare. "We are working to build a guerrilla force in an urban environment." [30] He looks upon himself as an extremely small minority in a vast sea of hostile "imperialism," impotent, inconsequential and weak. Revolutionary power can be generated in his eyes, therefore, only through guerrilla tactics.[31] No wonder the guerrilla, the individual who defied the Establishment and fought to overthrow existing society, is a New Left and SDS hero.[32] Very revealing, guerrilla warfare is a topic of study in the so-called free universities.[33] Here is a description of one course from a free university catalogue:

"URBAN GUERRILLA WARFARE

"We will study the aims and techniques of guerrilla warfare in an urban setting: organization, training, propaganda, intelligence and counterintelligence, sabotage, and civilian resistance. We will do this through the use of theory texts, practical manuals, and war games." [34]

The whole concept of violence was tragically emphasized in a recent issue of SDS's *New Left Notes*. Under the caption, "Bring the War Home!," page one carried a full page photograph of a little boy with a big smile placing an object on a railroad track. The description read: "With a defiant smile, a 5-year-old . . . shows how he placed a 25-pound concrete slab on the tracks and wrecked a passenger train." [35]

3) *This violence is justified as moral, honorable, the thing to do. This gives SDS violence and potential violence a pseudo-religious fervor, a seeming moral imperative leading to the danger that the uncritical observer may consider the perpetrator as a martyr rather than a criminal.*

In one attempted bombing by an SDSer, the culprit, who was apprehended and convicted, said he did not really want to injure any person. He wanted to destroy this ROTC building, he said, as a symbolic act, as his personal protest against the Establishment.

This SDS attitude is reminiscent of previous anarchist criminal activities in this country. Emma Goldman, the well known anarchist leader, has told how she and Alexander Berkman, another anarchist, plotted the murder of a key American industrial leader who, in their eyes, was symbolic of the hated Establishment. Berkman would personally attempt to kill him—not that Berkman had a personal grievance against this man, but that this individual was a "symbol of wealth and power." Berkman would gain nothing personally—nor did he expect anything.[36] To these anarchists, the deed was justified because it would not only shock the Establishment but also would propagate their message to the whole nation. The "message" was as important as the deed. It was for the cause! Goodman adds:

"Our end was the sacred cause of the oppressed and exploited people. It was for them that we were going to give our lives. What if a few should have to perish?—the many would be made free and could live in beauty and in comfort. Yes, the end in this case justified the means." [37]

Some SDS leaders have talked about "the politics of guilt"—meaning that, in their opinion, Americans have troubled and guilty consciences about injustices and inequities in their society. To the hard core SDS members, a policy of violent confrontation (including campus insurrections, bombings and arson) hopefully will bring public sympathy and approval (even if silent).[38] Moreover, it may stir up interest in their cause and even prevent their prosecution later on criminal charges!

As a nation, we must recognize that this style of anarchist violence is a violation of our laws and should be treated accordingly.

4) *Disaffection from democratic values and a growing tendency toward violence have led to an increasing SDS emphasis on revolution, meaning a qualitative and fundamental change in the economic, political, social and cultural system of this country.*

Not long ago an observer of SDS activities commented that the SDS's attitude toward specific issues, such as opposition to the ROTC, the war in Vietnam and the university system, had become secondary to a bigger, broader, more important goal, namely, revolution.

Today, the SDS is calling into question the entire structure of American society and pronouncing it unfit for survival. The system as a whole, it says, is the enemy, not specific injustices and weaknesses. Accordingly, what is needed is a total purging of what is regarded as "evil," "corrupt," and "degenerate." Apparently, there is to be no compromise, no selection of what is good or bad. The entire apparatus is to be discarded.

"Ideologically we began to grasp the idea that the system as a whole was the enemy; tactically we began to try to attack the system as a whole system. We gradually abandoned the notion that if we fought and fought for reforms we might succeed in reforming the system away or that consciousness would somehow arise out of enough local fights so eventually the local rent-strike group would spring into action as a guerrilla force." [39]

Gone are the days of "sewer socialism," [40] a term used by the SDS to mean reformist efforts on a local basis to improve society. The anti-war demonstrations changed this attitude.

"Here in the United States those demonstrations set the terms for the struggle and gave the movement a push in gutsiness and in the targets it chose to attack. Remember the Pentagon and the nearly simultaneous West Coast Oakland Induction Center demonstrations. The slogans, targets, and militancy were almost totally new. We moved from individual acts of moral protest—remember the spring before the draft card burning had been considered the very limit of the movement—to massive attacks on the centers of military power in this country." [41]

The march on the Pentagon (October,

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1967), according to the SDS, enabled the Movement to reach out "to millions where our organizing in the past could only reach thousands. . . . The demonstrations had a double effect: They spread the word that it was legitimate to fight and helped create a culture of resistance in which GIs revolted, white working-class gangs turned political. . . ." [42]

The outcome is the current effort by the SDS to develop what is called a revolutionary youth movement (RYM). An SDS faction, Weatherman, issued a position paper which talks about a cadre-type, clandestine organization of revolutionaries under the discipline of centralized leadership. This organization would be buttressed by a revolutionary mass movement. "The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement, without which a clandestine revolutionary party will be impossible." [43]

Can SDS, with its factionalism and hatred of discipline, create a revolutionary organization? Without it, the revolution cannot be brought about. The SDS militants know that discipline, organization and trained leadership are needed. The very fact that so many SDSers are talking seriously about revolution makes the future one to watch closely.

5) *"The new left as it has been known during this decade disappeared during the Chicago SDS convention. It is being replaced by Marxism Leninism."* [44]

This diagnosis by the *Guardian*, the "independent radical newsweekly" which reports New Left activities, identifies a process inherent in SDS even from its early days. SDS (including its many factions) is today Marxist-Leninist oriented.

A loosely structured group, SDS has always been an ideological potpourri, including several varieties of Marxist positions: Trotskyites (Socialist Workers Party and its youth group, the Young Socialist Alliance), pro-Moscow communists of the Communist Party, USA, and its youth affiliate, the W.E.B. DuBois Clubs, and the pro-Red Chinese Progressive Labor Party. As time progressed, the Progressive Labor Party (PLP) became extremely strong in the SDS, resulting in a massive factional struggle at the June, 1969, national convention. The PLP faction was expelled and exists today as a rival group claiming that it is the true SDS.[45]

The two National Office factions (Weatherman and RYM II) and the Progressive Labor Party group have both similarities and differences. Because of conflicting claims the task of distinguishing their positions becomes difficult. The *Guardian* of June 28, 1969, however, reporting on SDS's National Convention, sets forth a brief summary of the various viewpoints.

"RYM, as the concept is known, seeks to convert SDS into a mass revolutionary organization of youth grounded in Marxism-Leninism and Mao Tse-tung's thought. . . . [T]he RYM group split into two factions known as "weatherman" and RYM 2, based on names of papers submitted to the convention by the two groups.

"Both factions agreed on many points, but came to a parting of ways due to different ideas on such questions as black liberation, women's liberation, nationalism, the white working class and action tactics.

"Weatherman . . . tends to deny the leading role of the working class in revolutionary struggle. It has been charged with adventurism both for its seeming indifference to white workers and for a shock-brigade action strategy . . . .

"Blacks in the U.S. are viewed [by] weatherman as a separate colonized nation within the oppressor country. National liberation for blacks in the oppressor country, it is maintained, cannot be accomplished until capitalism is overthrown. On women's liberation, the weatherman tendency holds that women should be organized around anti-imperialism, antiracist struggles.

"RYM 2 . . . sees the proletariat as being the main force in the revolution, while at this stage, revolutionary blacks at home and liberation struggles abroad play the leading role. Blacks, women and students, RYM 2 holds, play a key role in raising the consciousness of the working class by struggling for their own liberation.

"Blacks in the U.S. are seen by RYM 2 as a separate nation, but because of the dual position of black workers—oppressed as blacks, super exploited as workers—'their fight for the right of self-determination is a precondition for any kind of socialism in this country.' This struggle for liberation, along with women's struggle for liberation from male supremacy and the struggles of youth, is seen as a means of developing proletarian unity and revolution." [46]

As to the PLP (here called PL) the *Guardian* states:

"PL, which considers itself the vanguard of the proletarian struggle, sees the working class as the key to revolution. While supporting self-determination, PL insists that national liberation struggles, including the black struggle in the U.S. must have a class character. Juxtaposed to the Black Panther Party slogan, "Power to the people," PL demands 'Power to the workers.' PL says student actions must be in the objective interest of the working class. . . . Women are seen as superexploited workers, victims of the ruling class—not as being oppressed by men as well.' " [47]

These groups differ also on tactics (how to bring about the revolution as well as on overall strategy, the revolution itself). The Weatherman faction is the most militant, believing that direct, forcible, in-the-street guerrilla incidents must be pursued. RYM II, though not disavowing violence, is less militant. Guerrilla-violent tactics, RYM II leaders feel, are self-defeating and will probably alienate both potential recruits and public opinion. RYM II stresses study and education with an emphasis on the classical definition of the working class as the correct means to attain revolution. The PLP follows more RYM's tactics than those of Weatherman. The PLP, basing its position on the historic teachings of Marxism-Leninism, is not opposed in principle to the use of force. However, tactically speaking, it feels such extremist tactics at the present time would do the movement more harm than good.

Perhaps the SDS is the victim of history—that in attempting to bring about a revolution against "capitalist" society, it has partially succumbed to the Marxist-Leninist analysis of "imperialist" society.[48] Marxist terminology, concepts and thought processes permeate SDS revolutionary literature. In fact, the SDS, despite the purported intellectual prowess of its leadership, has not developed on its own an original self-thought-out revolutionary analysis of capitalist society which would be independent of the historic Marxist viewpoint! Rather, the SDS and other New Leftists, who consider themselves "youthful" and "modern," have become prisoners of a nineteenth century doctrine!

A key issue pertaining to Marxist doctrine is SDS's efforts to make contact with the "working class," the "industrial proletariat" whom Marx considered as the class destined to carry out the revolution. Can students alone bring about a revolution? Most SDS thinking (especially the PLP faction) says "no." Students must combine with "workers." In the summer of 1969, the SDS instituted a highly publicized "Work In" program [49] whereby SDS members were encouraged to secure jobs in private industry for the purpose of making personal contact with workers. In these contacts they were to attempt to "radicalize" the workers, that is, to convince them of SDS's position on current issues.

There is an abhorrence in the SDS to the Communist Party, USA, which is considered "bureaucratic," "old-fashioned" and "irrelevant." Communist Party, USA, leaders and members have been active in SDS activities, but its leadership is skeptical and critical of many SDS policies.[50] For that reason, some top SDS leaders [51] have publicly identified themselves as revolutionary communists with a small "c", that is, they claim they owe allegiance to the principles of Marxism-Leninism but not to either the Communist Party, USA, or its mentor, the Soviet Union.[52]

Actually, however, all SDS factions are Marxist—with the Marxist contempt for law, the dignity of the individual, and the rights of others. The tragedy of the SDS is that a group of young people, some with personal idealism and sincerity, have "jumped the tracks." They have left the mainstream of the democratic processes which have given life and meaning to the American experiment of government.

These students, many from economically effluent and well-educated families, have actually corrupted idealism and sullied the historic academic search for the truth. Many of their errors come from a shallow intellectualism, a lack of knowledge of history, and an arrogant self-righteousness which leads them to believe they alone know the truth. Dialogue, reason and understanding are scorned as contemptuous bourgeois values. "Non-negotiable demands," pompous generalizations, the simplification of complex issues into irrelevant and pious slogans—all these have propelled the SDS into the wasteland of nihilism, revolution and destruction.

Moreover, in the process they have lost their independence as either thinkers or custodians of the hopes of the future. Why? Because they have been captured by an antiquated totalitarian system known as Marxism-Leninism. In all their talk about being avant-garde, advanced thinkers, the bringers of a "new day," SDS leaders are voices from the past who talk in terms of violence, brute power and destruction. These are the age-old techniques of the conqueror and the criminal. In the name of dissent, SDS attempts to stifle dissent. In the name of an alleged pursuit of "justice," SDS is willing to jeopardize and undermine the accomplishments, values and welfare of a society which today is providing a higher standard of living and greater personal freedoms to its citizens than any society in history.

Our society has an obligation to face up to the realities of SDS extremism.

First, we must remember that SDS tactics represent a minority sentiment on our college campuses. The 1960's have been an age of protest, of questioning, of asking vital questions about our society. Our colleges have produced an inquiring generation, young people who are sincerely and deeply concerned about problems which arise from a complex, industrialized, urban society. We want this questioning process to continue. We should be thankful for the sophisticated, intelligent, poised generation of young people now coming of age.

Second, adults have a special obligation to establish and maintain a dialogue with the rising generation. All too frequently we in the FBI find a complete lack of communication between parents and young people about the really serious issues of life. Yes, there is talk about a new car or a vacation trip, but amazingly little about some of the basic problems which concern young people today (the war in Vietnam, the draft, race relations, poverty). Often a parent and a child violently disagree—and each goes his own way, preventing the mutual interchange of opinions. The generation gap is, to a large extent, a communication gap.

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Third, in discussing the SDS (or any other type of extremism) we must be careful of our facts and not indiscriminately label those whom we do not personally like or whose opinions are unpopular as extremists. We must remember that many non-SDS, moderate students are also protesting about key issues of the day. We should not label these legitimate protests as "SDS extremism" and therefore dismiss them from consideration. The genuine, hard core radical on campus must be distinguished from the legitimate protester.

Fourth, we must remember that the way to combat extremism is not by counterextremism. In other words, one of the dangers of SDS extremism on campuses is that it will engender antidemocratic vigilante and illegal actions against this minority. These extremists can and must be handled under due process of law. There is no room either on or off campus for an antidemocratic backlash.

Fifth, society must take seriously its own weaknesses and work to remedy them, promptly, effectively and fairly. Young people very rightfully hate hypocrisy and sham. The best way to counteract extremism of any kind is through a healthy society with self-creative energies working for constant improvement.

Sixth, the legal profession has a special obligation. It simply cannot remain quiescent about the SDS's stance toward our laws and democratic society. Students in law school, in particular, have an excellent opportunity, through campus media and discussions, to emphasize the sanctity of the law and to explain that violence ultimately is self-defeating. If lawyers do not protest extremist violations of the law, who else is there to defend the law?

Theodore Roosevelt said: "Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither." [53]

America must face up to the challenge of extremism—lest, step by step, the foundations of law are eroded to the detriment of all of us. No cement more durable to hold together a free society has ever been found than the law and all the majesty it represents.

FOOTNOTES

[1] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 3, col. 1 (emphasis added).

[2] Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 1. The Students for a Democratic Society (SDS) met in national convention in June, 1969, in Chicago, Illinois. Intense factionalism erupted, and the organization split into two major groups each claiming to be the true SDS. One group is generally known as the National Office faction, the other the Progressive Labor Party. The National Office group, in turn is beset by factionalism and differing viewpoints. One such subgroup is known as the Weatherman group, the other the Revolutionary Youth Movement II, based on the two position papers issued.

[3] Interview with Mark Rudd, SDS National Secretary, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

[4] The Ku Klux Klan has frequently abused the rights of others through extremist and terrorist violence. The brutal murders of Lt. Col. Lemuel A. Penn in Georgia (July, 1964) and of three civil rights workers in Mississippi (June, 1964) are flagrant examples of Klan violence. Extremism denies the legal rights of others (such as the right of assembly, free speech, travel, vote, and the press). On May 2, 1967, a group of Black Panther Party members armed with rifles, shotguns, and handguns invaded the chamber of the California State Assembly while that body was in session to protest pending gun legislation. Obviously, here was an attempt to intimidate the legislative process. In October, 1969, groups of SDS members descended on Chicago, engaging in an orgy of vandalism. These types of hooliganism are a threat to the operation of democratic institutions.

[5] J. Finley, Thucydides 210 (1963).

[6] O. W. Holmes, The Common Law 1 (1881).

[7] Legitimate protest encompasses a wide variety of choices and techniques, such as writing or visiting your congressman or other elected officials, letters to the editors of newspapers, petitions to legislative or executive bodies, and peaceful rallies and demonstrations. Legitimate protest means, basically, citizens expressing their opinions and views within the framework of the law. Our news media reflect constantly instances of how legitimate protest brings changes in society—ranging all the way from obtaining new traffic signs and playgrounds to changes in national policy. A great strength of our society is its ability to adjust to new problems, issues, and challenges through orderly and lawful change.

[8] See text accompanying notes 1 & 2 supra.

[9] A vivid contrast to SDS extremism is shown by the many examples of student groups which have peacefully sought the correction of alleged wrongs in society and achieved results. Sometimes these groups are interested in strictly local problems (traffic control, local elections, housing). Other times, the campus group is part of a larger off-campus organization (political, economic, cultural).

[10] SDS was originally the youth affiliate of the League for Industrial Democracy. The two organizations, however, parted in 1965.

[11] Port Huron Statement, SDS Convention, Port Huron, Mich., Aug., 1962, at 7.

[12] The full text of SDS's constitution can be found in New Left Notes, June 18, 1969, at 2.

[13] SDS is the most militant of New Left groups. From its early days, SDS was basically an unstructured type of organization with little internal discipline (though this is now changing with some elements in SDS trying to develop a more disciplined cadre type of organization). SDS is held together primarily by national secretaries who travel extensively. There are an estimated 200 to 250 chapters, varying in size. These chapters are autonomous, doing "their own thing." Very little, if any, control can be exercised by the national headquarters (in Chicago) over these chapters. Membership is difficult to determine because of the loosely knit structure. SDS claims some 40,000 members. In addition, on key issues SDS is able to mobilize the sympathetic support of a large number of none-SDS members, especially on anti-Vietnam and anti-draft issues. The moderate students, however, almost invariably drop away when SDS engages in confrontation and violent tactics. Since the June, 1969, national convention, SDS has become factionalized, so it it difficult to speak of unitary and national policies.

[14] Smith, Report on SDS: Students now stressing 'resistance', National Guardian, April 8, 1967, at 1, col. 3.

[15] Lynd, The New Radicals and "Participatory Democracy," 12 Dissent 324, 327 (1965).

[16] Id. at 324, 328.

[17] Id. at 324.

[18] Smith, Report on SDS: Students now stressing 'resistance', National Guardian, April 8, 1967, at 1, col. 1 (became known as Guardian (Independent Radical Newsweekly) in the issue of Feb. 10, 1968).

[19] Id. at 8, col. 2 quoting G. Calvert.

[20] Id. at 1, col. 2.

[21] Id. at 8, col. 3.

[22] 18 U.S.C. § 2155 (1964).

[23] SDS National Council, Towards a Revolutionary Youth Movement (Dec. 1968), in Guardian (Independent Radical Newsweekly), Jan. 18, 1969, at 7, col. 1.

[24] In October, 1969, the Weatherman faction of the SDS staged a series of violent street demonstrations in Chicago. "Radical members of Students for a Democratic Society," read a news account, "wearing helmets and carrying clubs, ran through this city's near North Side last night, breaking windows, damaging cars and intermittently battling with the police." Chicago Police Battle Radicals, Washington Evening Star, Oct. 9, 1969, at 1, col. 8. The young people used clubs, chains, and pipes and as a tactic would suddenly break out of a peaceful march into small groups, yelling and throwing stones at anything in sight (so-called "guerrilla tactics").

These demonstrations were the result of careful advance planning by Weatherman. Members were encouraged to come to Chicago for violent confrontations. For example, in the September 20, 1969, issue of New Left Notes, an article was carried entitled: "The Time is Right . . . For Fighting in the Street." This article stated: "It is a war in which we must fight. We must open up another front against US imperialism by waging a thousand struggles in the schools, the streets, the army, and on the job, and in Chicago: October 8–11." New Left Notes, Sept. 20, 1969, at 6, col. 2. Another heading read, "The Time is Right . . . For Violent Revolution." Id. at 10–11. Still another article dealt with how to dress for the violent confrontation ("Wear a motorcycle helmet or surplus army helmet." "Wear protective clothing. Wear hard shoes, never wear sandals! Wear shirts and jackets with tight cuffs and high collars for protection against gas." Id. at 14) and how to behave medically ("Don't panic if you see someone with blood streaming from the head." "Never try to remove a bullet that is still in the body." "Get a tetanus shot." "If you do go to a hospital, treat the doctors and nurses there as if they were pigs." id.).

[25] Daily World, Oct. 19, 1968 (Magazine), at M–4, col. 3 quoting Jerry Selinger.

[26] New Left Notes, Oct. 25, 1968, at 12.

[27] New Left Notes, July 8, 1969, at 9, col. 3.

[28] Interview with Mark Rudd, SDS National Secretary, and two other SDS leaders, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

The transformation of SDS into a more violent posture has caused many moderates and genuine liberals to drop out of the movement. A New Leftist paper comments: "Middleclass liberals, who once predominated in the organized antiwar movement by sheer numbers and political influence, are now a minority, though the decline in influence has taken overlong. The 'hard-core' radicals of last August in Chicago and January in Washington are now ascendant, not simply relative to the liberal shambles but absolutely, in terms of numbers and influence." Viewpoint, Guardian (Independent Radical Newsweekly), April 12, 1969, at 12, col. 1.

[29] Destructuring of SDS 7 (1968) (Leaflet distributed at SDS National Convention, June 9–15, 1968, East Lansing, Mich.).

[30] Hofmann, The New Left Turns to Mood of Violence in Place of Protest, N.Y. Times, May 7, 1967, § 1, at 1, col. 3 quoting G. Calvert.

[31] Here are the tactics of Weatherman as personified in the violent confrontations which took place in Chicago in October, 1969. Weatherman is gambling that guerrilla tactics, on the street violence (as in Chicago), will pay it high dividends in the radical left extremist movement: (1) by attracting recruits and validating militant street warfare as the best means of revolutionary action, and (2) by providing on the spot training for the building of a cadre revolutionary organization. Will it succeed? Hopefully, this militant Weatherman approach will be self-defeating, that more moderate student groups will arise, and that democratic methods of protest will prevail. Much will depend on the students on campus themselves.

[32] Fidel Castro, Ché Guevara, Ho Chi Minh, Mao Tse-tung are the tactical-ideological

heroes of the New Left. SDS and other New Left literature carries extensive and favorable comments about them (including quotes from their writings and speeches). The Guardian, for example, devoted considerable space to what were reported to be unpublished documents from the Bolivian notebooks of Ché Guevara. These dealt with Ché's plan for guerrilla warfare. Urban Guerrilla Warfare: Ché's Plan, Guardian (Independent Radical Newsweekly), July 20, 1968, at 13.

[33] These are a haphazard assortment of classes on a variety of topics relating to the radical movement open to students (and others). Instructors may be faculty members, students or off campus personalities. Classes are largely freewheeling discussions and have no official connection with the university.

[34] Midpeninsula Free University (Menlo Park, Cal.), Catalogue 37 (Fall 1968).

[35] New Left Notes, Aug. 29, 1969, at 1.

[36] 1 E. Goldman, Living My Life 87 (1931).

[37] Id. at 88.

[38] SDS has had both successes and failures. At some campuses during the 1968–1969 academic year, SDS was able to mobilize successfully a large number of students on certain issues. Sometimes SDS exploited sensitive issues on the campus, as dormitory regulations, the unpopularity of some administrative decisions on personnel, a failure of communications between the administration and students) of deep concern to many students. In such instances, SDS was able to gain the support temporarily of moderate students, students who were interested exclusively in campus reform, not disruption or revolution. Failures of SDS have been a growing extremism, an inability to maintain moderate support, and difficulty in attracting non-college (working) youth.

[39] Look At It: America 1969, New Left Notes, Aug. 15, 1969, at 9, col. 3.

[40] SDS's exact words in speaking about "sewer socialism" are: "We had, in fact, overcome localism, provincialism, and tendency for 'sewer socialism'—the term for those in the era of Socialist organizing before the First World War who wanted to concentrate on local issues, prove that socialists could deliver street lights faster than the bosses could, and to build socialism in one city." Id. at 12, col. 2.

[41] Id.

[42] Id.

[43] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 8, col. 3.

[44] Viewpoint, Guardian (Independent Radical Newsweekly), July 5, 1969, at 12, col. 2.

[45] The "PLP problem" had been brewing for a considerable period inside SDS. In a pamphlet on why SDS expelled PLP, published by the National Office of SDS, these comments are found: "SDS's differences with PLP were not differences 'within the movement' or 'within SDS.' They are principled differences on what the movement is about, where and what the international struggle is about, and who the sides of it are. Since the PLP opposes revolutionary nationalism on the part of the colonized peoples; opposes the self-determination of black people within the United States . . . then they are in no sense a part of the people's movement, but in fact serve the enemy of the people." New Left Notes, Sept. 12, 1969, at 2, col. 3. In this connection, the Guardian, reporting on the 1969 national convention, talks about a "virtual ultimatum" from the Black Panther Party (and some other groups) demanding "that SDS purge itself of tendencies opposing their line on self-determination of oppressed peoples (including the right to secession). While insisting that it supports self-determination, PL[P] has stated that 'all nationalism is reactionary,' including the nationalism of oppressed minorities within the oppressor nation." SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3.

In addition to these differences, there were problems of personal power (i.e., which leaders were to dominate). Actually, the voting strength of PLP was strong, and anti-PLP elements feared that PLP might even take over.

[46] SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3, 11, col. 1.

[47] Id. at 11, col. 1.

[48] SDS's Marxism is not yet an exact replica of the historic doctrines of communism. Marxism-Leninism, for example, does vaguely paint a future society after the revolution which, it is claimed, will bring a more abundant, just and harmonious life. The SDS, however, reflects little interest or concern about any society which would come after the revolution it proposes to bring about. Its main purpose is to destroy what now exists. In this aspect, SDS is closer to anarchism than Marxism. SDS, as an activist group, appears to have adopted those concepts, principles, and slogans of Marxism-Leninism which can best be used as destructive weapons against the "Establishment"—as "class struggle," "dictatorship of the proletariat," "imperialism." "[W]e live in a period when capitalism has developed into its highest stage—worldwide imperialism—and that because of this development the class struggle has become a worldwide struggle often manifesting itself in people's wars." Education Secretary's Report, The Boston Strangler: A Paper Tiger, New Left Notes, July 8, 1969, at 3, col. 1.

SDS talks about the need to wage armed struggles for liberation and overthrowing the capitalist order. The RYM II statement says: "In order for the U.S. proletariat to play its historic role, it must be led by a party of revolutionaries, organized on the basis of democratic centralism, guided by the science of the proletariat, the teachings of Marx, Engels, Lenin, Stalin and Mao. The party must be able to apply these teachings to the specific conditions of the U.S., in order to import class consciousness into the spontaneous struggles of the proletariat." Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 4.

[49] The SDS circulated a "Work-In Organizers Manual" designed to aid SDSers in obtaining jobs. The Manual sets forth data on how to find a job, how to dress, what to say and not to say, and how to behave. "Try to make a few friends among the workers that might last beyond the summer. Two or three—or even one. And try to get their addresses and phone numbers before you leave the job. . . . Join the bowling league or the baseball team. Avoid running home at the end of the day to the 'safe' company of your old friends and political buddies. . . . Go to the bar or whatever hang-out they go to after work. . . . If you can't hold your liquor, don't make a fool of yourself trying to be what you think is 'one of the boys.' Get to work early—sit around and talk. This is very much worth the extra effort." Students for a Democratic Society, Work-In Organizers Manual 4 (1969). Actually, this Manual was originally prepared (1967) by the Progressive Labor Party and distributed as "The Vietnam Work-In Organizer's Manual." PLP elements in SDS took the original manual, put on a new cover, and introduced it as an SDS Work-In guide.

[50] See the articles by Bettina Aptheker, well-known leader of the Communist Party, USA, in the Party's theoretical journal, for an analysis of the Communist Party's view of the SDS and the New Left. Aptheker, The Student Rebellion, Part I, 48 Pol. Aff., Mar. 1969, at 15; Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12. Aptheker welcomes the "student rebellion," but deplores what she calls "petty-bourgeois radicalism" in the movement. She feels the New Left does not have a correct analysis of Marxism-Leninism and in reality is merely "playing" with revolution. In the Party's eyes, revolution is a "serious business" and must be prepared for through careful study and planning. Aptheker's conclusion is that there "is an urgent need for ideological and political leadership from the Communist Party and from a Marxist-Leninist youth organization." Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12, 59.

[51] Bernardine Dohrn and Mike Klonsky, SDS leaders, were quoted as calling themselves "revolutionary communists" in Guardian (Independent Radical Newsweekly), June 22, 1968, at 4, col. 1.

[52] Bettina Aptheker in her articles in Political Affairs is worried about the anti-Communist Party and anti-Soviet sentiment in the New Left. See note 50 supra.

[53] Roosevelt, Inaugural Address, in The Inaugural Addresses of the American Presidents 185 (D. Lott ed. 1961).

OIL DISCOVERIES IN ALASKA—SENATOR GRAVEL'S ADDRESS BEFORE ALASKA STATE LEGISLATURE

Mr. HARRIS. Mr. President, we have all read of the new oil discoveries in Alaska. For the State of Alaska this represents an opportunity such as no State has ever had. The State will reap the benefits of this development. Already it has received a $900 million downpayment from the oil companies as lease bonuses.

On January 29, Alaska's distinguished junior Senator, MIKE GRAVEL, spoke before a joint session of the Alaska State Legislature and outlined his ideas utilizing Alaska's new-found wealth.

This was a landmark address. Alaska has what few States have ever had—enough wealth to permit wide discretion in selecting priorities for its use. Elsewhere, State and local governments are struggling just to make ends meet. But Alaska has the opportunity to do more than handle the problems of today. It can plan ahead with assurance that the money will be in the bank to carry forward ambitious programs.

Senator GRAVEL sees this problem clearly and has stated his views eloquently. I ask unanimous consent that his speech be reprinted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR GRAVEL

Mr. President, Mr. Speaker, members of the Alaska State Legislature: Most Americans know that something big is happening in Alaska. Much has been said in recent months about our new wealth.

On paper, Alaska is the richest State in the United States. Alaskans are the richest people in the world. Our bank statement, with its huge balance, looks spectacular.

But figures can be made to lie. Bank statements are not the only indicators of economic well being.

Look around.

You will see that Alaska's unemployment rate is one of the highest in the Nation. Many people who want to work, can't find work. Many can't qualify for a good job.

Check this winter's statistics on welfare and unemployment and food stamps.

Look around.

You will see that nearly every community in Alaska has a housing crisis.

Our communities do not have enough pow-

er, or water, or sewers, fire and police protection, or other basic services, and the way things are today, they are hard-pressed to buy those services. And so power runs out, and water is marginal, and sewage gets dumped raw into our waterways.

Our health situation, in many areas, is constantly on the brink of danger.

Alaska does not have even the basic rudiments of an adequate communications system. We do not have sufficient circuitry. We do not have direct television. We have a poor excuse for an educational television system.

Vast areas of Alaska have no reliable transportation system, the types of goods and supplies to many communities are determined by the cube of a Cessna L80. Inventories are built up every summer by boat and stored at exorbitant cost. This is what contributes to the high cost of living. This is one price Alaskans pay for their remoteness. In our urban areas, the existing system doesn't begin to meet traffic needs, much less satisfy potential demand.

Despite the advances in education since statehood, we still have monumental problems, high dropout rates, illiteracy, minimum attention to pre-school education and vocational education.

We still have a chicken and feathers economy in our fisheries—a good year now and then sandwiched between many lean years.

The list goes on and on.

Look around.

Everyone who lives in Alaska knows the problems—or ought to know them.

Our bank statement looks great. But that bank statement will not provide a Fairbanks family a house to buy, or the Wrangell homeowner reliable electric power, or a telephone for Tuntatuliak.

The problems today are greater than they will ever be. The challenge today is as great as it will ever be. We must begin attacking these problems today, not tomorrow.

Ladies and gentlemen, the present generation of Alaskans is the poorest generation that will ever live in Alaska. Every succeeding generation will have more wealth. To deny this generation of Alaskans the right to share in the blessings of our legacy, is to discriminate against the poorest generation of Alaskans who will ever live.

We have the opportunity. We have an unprecedented opportunity. Alaska isn't the only state with problems. But it's the only state with money in the bank to solve those problems.

Even more, the projections show that in the years immediately ahead, our annual revenue will increase by tens of millions of dollars. The $900 million dollar oil lease sale wasn't a once in a lifetime windfall. It was a downpayment. We have every reason to raise our sights. To build better lives for ourselves and our children.

To make investments in ourselves.

Our biggest problem is not whether to keep $900 million dollars in the bank, or $800 million or $500 million dollars. Our biggest problem is not whether we get six per cent interest on our money, or eight per cent interest.

Our biggest job, as elected leaders, is to develop the programs necessary to help people solve their individual and community problems as rapidly as possible.

Most people don't want give-aways. They don't want hand-outs. Nor do they want our wealth spent haphazardly. But they do want government to do its job. To develop responsible programs. And to get them in motion.

Nearly every problem we have can be solved. The information and expertise exists. What is needed is a high degree of responsible leadership.

In the absence of such leadership, it is reasonable that people would prefer a safe investment of their money rather than its uncertain use for questionable purposes.

Let's talk about investments. But let's talk about investments in ourselves. I can't judge the return on our investment in our educational system, but I promise you it is higher than any other investment we can make. My parents gave me no money. But they gave me an education. And because of it I am better able to build a worthwhile life for my family.

I don't know how to gauge the return on an investment in fresh drinking water for Petersburg. But I suspect that in importance to that community's way of life, and its ability to expand its fisheries industry, that investment would pay off handsomely.

What is it worth to install educational television in a village where the problem is as basic as developing the use of the English language? What is it worth to open a new residential area of Fairbanks or the Kenai Peninsula with water and sewer installations? What is the return on investment when a child of a working mother can go to an excellent day care center in Anchorage or any other community?

Money won't solve all our problems. It has to be matched in equal parts by leadership and commitment.

Leadership that can spend the money wisely. To get the programs moving quickly. To get a dollar's worth for a dollar spent.

And commitment to a cause, to a purpose.

Today I would like to suggest a purpose.

A ten-year program to make Alaska a model society, to eliminate the problems of poverty. To extend opportunity. To permit people to build better lives for themselves. To help communities solve urgent problems now and to plan realistically for the future.

Most States and cities in America are plagued with problems of traffic and smog and substandard housing. Most are confronted with enormous costs to restore their streams and seashores. I see these problems everyday in Washington. They affect the way tens of millions of people live—the quality of life they enjoy.

We can do more than others have done. Our bank statement is the best there is.

With the proper investments, it can produce more. Alaska has a bountiful environment, most of it unspoiled. We have the obligation and the opportunity to protect this environment and enjoy it.

Furthermore, we have a small population, and it will likely remain small.

And so, in this rich bountiful, unspoiled land, we can build a society others dream about. If that is what we choose to do.

That's what I am suggesting today. A ten-year program. A program for the seventies. To make of Alaska, in this decade, the model State.

Let me propose a three-phase effort, all of which we can launch concurrently:

One, we must zero in on the causes of poverty. The depressing factors that keep incomes low. We must vastly expand vocational education, and job placement and retraining efforts. We must help small business expand. We must give necessary support to industries such as fishing, tourism, mining, forestry and agriculture. To help those who depend upon them to prosper.

Two, we must rapidly build basic community facilities. Facilities so many Alaskans have for so long gone without. Good water. Sewage systems. Reliable power supplies. Fire and police protection. Sufficient housing.

Three, we must build these facilities and programs that can best be handled through direct attention by the State government. Every community, including every village, must have a complete, modern communications system. We must have a rapid, low cost, reliable transportation system. We must have the finest educational system money can buy. We must have the best medical and health facilities in the Nation. We must have parks and wilderness areas and a wide variety of recreational and cultural opportunities.

Now I would like to offer some specific proposals for legislation. Some I will describe in detail. Others I will merely mention, because time does not permit me to go into all recommendations at length in this address. But I will make them available to your appropriate committees.

EDUCATION

First off, let me say a few words on the field of education. Conventional wisdom notwithstanding, Alaska gives education the lowest priority of all other States.

Recent figures indicate that in Alaska, local and State governments spend only twenty-seven per cent of their budget on education. In the Nation as a whole more than forty per cent of combined State and local spending is for schools, and in some States the figure reaches above fifty per cent.

Every other State does better than we do. Achievement figures reflect the problem.

Thirty-five States have a lower illiteracy rate than we do. Over ten per cent of Alaskans fail their selective service mental tests. Our non-white adult Alaskans have less schooling than non-white citizens in all but six States.

Alaska's elementary school dropout rate is shocking. Our twenty-one per cent high school dropout rate is simply unacceptable. Forty-three States spend more per student in vocational-technical programs than we do.

During the last decade, almost half the States increased teachers' salaries more adequately than did Alaska.

Alaska's school population is exploding at a rate five times the national average.

The dangerous incongruity between Alaska's effort and its need is the hidden time bomb that we must defuse.

One would have thought that with a nine hundred million dollar windfall the State would at least begin moving toward upgrading our educational system. But despite the barrage of press releases proudly announcing that the State is assuming ninety per cent of school costs, nothing of the sort seems to be happening. As a matter of fact, long overdue salary increases to teachers should absorb more than the entire proposed State increase in funding, leaving not a penny for other improvements in our educational system.

The proposed increase in State funding is not half enough to begin doing the job so urgently needed to upgrade Alaskan schools.

If we are serious about building a model society in Alaska, the salaries of teachers and all public employees must be dramatically raised to attract and to retain top people. Retirement benefits for teachers and other public employees must be upgraded.

Preschool and vocational education need special emphasis in Alaska. We are way behind in these areas. The transfer to the State of BIA schools must be accelerated.

A classic example of leadership would be the State takeover of Mt. Edgecumbe. The native students should be absorbed into a regional high school though contracted, with the Sitka School District.

What a wonderful opportunity would then present itself for the State. With the facilities at Mt. Edgecumbe, to create a marine research facility or a training and placement center for all southeast Alaska.

This same opportunity presents itself in another part of Alaska. We could establish an expanded marine research facility utilizing a portion of the Naval Base at Kodiak.

The key to a good educational system is teachers.

Teachers are not hired hands performing chores. They must become involved in the full spectrum of educational decision-making. As all other professionals, they should be given every opportunity to bring their expertise to bear on all school issues, not just on matters of teachers salaries or welfare. This is the only avenue that will lead to staffing all our schools with true professionals.

The State of Alaska must assume its proper share of the responsibility in the field of

school construction. The State should bear at least fifty per cent of the cost of all new school buildings throughout Alaska and, on the basis of an equitable equalization formula, up to ninety per cent where necessary.

The State should absorb a portion of all outstanding school indebtedness on a realistic declining formula basis. Such a program would achieve the twin goals of stimulating needed school construction in communities which otherwise would not be able to build necessary schools, while sharing the existing debt burden in instances where communities have met school construction needs in the past.

The time is here to guarantee every Alaskan high school graduate two years of free post-high school education as close to his home as possible. This can be academic, or vocational, or technical. It should be available at a university campus or at one of the campuses of a much expanded and strengthened community college system. This needs to be coupled with a comprehensive scholarship-loan program that would have a ten per cent forgiveness feature for every year a student becomes a full-time wage earner and taxpayer in our State.

Qualified students should be given scholarship-loans to attend professional and graduate schools in other States, if they cannot pursue their studies in Alaska. These students should also have a ten per cent annual loan cancellation for each year they practice their profession in Alaska. But they should repay the loan if they settle elsewhere.

Alaska can have a model school system. To get it we will need to make teaching in Alaska more attractive than anywhere in the country. This will take ideal working conditions, good salaries, modern equipment and up-to-date schools. It will take the finest educational television system in the Nation. But most of all, it will take creative and innovative leadership in State government.

How important is this effort? Just ask yourself, what do you have when an undereducated child comes to maturity in an inadequate environment, but with a legacy that earns him lots of money he is ill-equipped to handle? Think of the waste in not giving every child the opportunity to develop to his fullest potential.

COMMUNICATIONS

Now let us look at communications. And when we do we find ourselves on the threshold of an exciting new era.

The technology exists today to provide every community in Alaska with a complete range of communications services—telephone, television, bio-medical information, high speed data movement, ecological measuring devices, marine navigational aids, forest fire detection, fishery run patterns.

This technology is available today at a price we can afford.

All that is required is a government decision to move into such a program. Within three years, ninety per cent of those living in Alaska can have the finest communication system available anywhere in the world.

This legislature can make the necessary decision to launch us on such a program.

I propose that you make $650,000 available this year to finance the Nation's first satellite public broadcasting system.

That money would fund a pilot program that would bring services to Kodiak, Fairbanks, Fort Yukon and Nome—the communities selected for this initial experiment. Ground stations in each community would be connected with one another and with a satellite now in orbit.

The system would carry educational and cultural broadcasts, most of which would be originated at the Fairbanks station. Utilizing facilities and talents available at the University of Alaska, educators could transmit experimental programs and sample their impact on youngsters in a wide variety of situations. Our educators would learn how educational TV operates. Then they will be able to tailor it for the Alaska situation.

One added ingredient to this program, would be the establishment of an Earth station at Juneau. This can be acquired for $165,000, and is included in the $650,000 budget.

With the Juneau station, all Alaska would have a direct window on the seat of State government. Legislative hearings, and perhaps legislative sessions themselves could be televised statewide. So could other important events in the capital.

I proposed this pilot program in July, 1969, and have been working diligently on it ever since. I am distressed that the State administration has not more aggressively pursued this program.

It's unfortunate because RCA thinks this system will work. It has donated a ground station free of charge, and that station is on its way to Alaska.

COMSAT thinks the system will work. It likewise has donated a ground station. The Federal Government apparently is satisfied that it will work. The U.S. Navy is transporting the RCA station from Guam and the Air Force has agreed to transport the COMSAT station from the Philippines.

Furthermore, the kind of system I proposed last July now fits into the proposal made by President Nixon last week for domestic satellite policy. He said that no one entity has a monopoly on domestic satellites and that any Government entity, such as Alaska, can own earth stations and participate in domestic satellite services.

The President is doing administratively what I proposed in my legislation last July. That is, permitting those who want to apply satellite technology to do so.

Beyond the pilot program, I recommend that we move into a two-year lease program for channels from the Canadian satellite which will be launched into orbit in 1971. Canada's satellite will have channels for educational and cultural television. Programming will be especially designed to serve remote communities in the Canadian North, many of which have problems identical to our own.

I have discussed with the Canadians a joint arrangement and the prospects are favorable for a lease at relatively low cost. With such a program, I anticipate a budget of about $1.4 million in fiscal year 1972, and leveling out at $1.9 million thereafter.

An agreement with Canada would give us more time to study our options for a permanent system to serve Alaska.

Imagine the impact on our educational system. It would be like adding an army of new teachers to our teaching rosters.

Imagine the impact on our way of life, having low-cost telephone service to anywhere in Alaska as well as anywhere in the Nation.

When a signal is beamed to a satellite, it may travel 40,000 miles on the up-leg, and then another 40,000 back to the ground. Whether the reception point is five miles from the point of transmission or 2,000 miles from the point of transmission, makes little difference.

There is no additional cost. And so, as far as satellite communications is concerned, Alaska no longer needs to be remote within its own vastness or needs to be remote from the rest of the United States. The costs should be relatively equal whether one is in Alaska, or California or New York. Ground distance ceases to be a factor.

This system can provide direct, regular television service between Alaska and the rest of the world. The Comsat station now under construction at Talkeetna won't provide such service except for monumental events that merit exceptional treatment.

The program I propose will bring in the game of the week, each and every week, before anyone in Alaska knows the final score.

And consider the other services the program will make available: high speed data transmission for business, newspapers and radio and TV stations. Imagine the impact of instant, reliable bio-medical communications to doctors working in all areas of Alaska.

There is no existing agency of government to administer what I have proposed. And so I suggest the establishment of an Alaska public broadcasting authority. Its budget is included in the $650,000 suggested earlier. It would be structured like the Alaska State Housing Authority, with the ability to issue bonds and be self-financing.

Also included in my recommended budget is $45,000 to buy the necessary television retransmission equipment at Naknek and Dillingham, which would beam throughout the Bristol Bay area, Armed Forces television programs now restricted to the King Salmon Air Force Base. In so doing, at least some people in Alaska would receive direct television this year.

Finally, I was successful in securing a donation of $10,000 from a private foundation to buy a ground station at Bethel. The budget I submit would pay the cost of operating a radio network between the University of Alaska at Fairbanks and Bethel, utilizing an ATS Satellite now in orbit.

When discussing communications it is easy to get lost in the terminology. And to expect equipment this sophisticated and revolutionary to be also high-priced equipment. That is not necessarily so. The last few years have produced dramatic breakthroughs.

Alaska can afford complete satellite communications. There are few decisions we can make that would have more impact on more people for so few dollars, than to move strongly into the communications system of the 21st century, I am proposing.

Before leaving the subject of communications, I want to say just a word about a study in which the State is participating. This study, on Alaska communications, will cost $365,000 dollars. The State is paying $100,000 dollars of that amount. The U.S. Department of Commerce, which is conducting the study, pays the reamining cost.

The Department of Commerce has never before conducted a study on satellite communications. The agency will be starting from scratch. It will have to hire personnel and learn the business as it is studying Alaska.

I am concerned about the expenditure of money for this study. Many of us are working on detailed plans, detailed budgets. We are working on ways to apply existing technology in Alaska as soon as possible. The cost of this study is more than half the amount necessary to fund the whole first year's effort that will bring direct television and better communications to tens of thousands of Alaskans.

Personally, as an Alaskan, I feel quite studied out. We have seen so many studies that were nothing more than substitutes for action. The State of Alaska would be better advised to save that one hundred thousand dollars.

The Department of Commerce could observe our plans and our actions and then make their own report available to other States who wish to follow our example.

URBAN AND RURAL PROBLEMS

Now let me turn to the problems of our urban and rural communities.

State support of local communities must be dramatically increased. Most of our communities today face crisis problems of housing and community development.

Rising prices, heavy local tax burdens, rapid expansion, expensive technological developments—these have all taken their toll. It is increasingly difficult if not impossible, for local governments, to cope with present circumstances.

In 1968 in Anchorage a family of four with a $10,000 dollar income paid $459 in property

taxes. In 1968 in Seattle that same family would have paid $288 dollars. In Honolulu, $150 dollars, and in the face of this intolerable disparity, the city of Anchorage will experience a fifty per cent increase in property taxes within the next five years.

The urgent need in almost every Alaska community is for basic utilities and housing.

First, let's deal with housing.

Some 8,000 housing units must be built or replaced in Alaska annually over the next five years. This will not happen unless the State moves on a massive scale and without further delay to provide incentives and assistance to all segments of the home building industry—conventional, manufactured and modular.

In spite of this crying need, Alaska is participating in only 18 of the 73 programs available through HUD.

Programs are available to provide interest free loans to non-profit corporations interested in building low and middle income housing, rent and mortgage supplements, rent subsidies and credit assistance are also available.

The communities cannot do it themselves. The State, through the Alaska State Housing Authority, has pre-empted the field.

There is no way our communities can solve their urgent need for housing without some kind of immediate, aggressive planning and assistance from the State government. This does not necessarily mean a larger burden in administrative overhead. It means redirecting the agency's efforts to available Federal programs that meet our immediate needs.

But, housing is not a problem unto itself. Basic utility problems are directly related.

Nearly every community in Alaska has a water or sewer or power problem that can be classified as "urgent."

And today, with bond interest rates high and loan money scarce, few Alaska communities can raise the funds necessary to deal with their problems. Those that can, pay an outrageous price.

Recognizing this problem, the Alaska Municipal League asks for the establishment of a State agency to handle the sale of local bonds.

I think this is a reasonable approach and should be enacted. But it is not enough. I don't think we will really solve our urgent utility problems until we move into a grant program.

Years ago, recognizing a similar problem, the Federal Government launched the Alaska public works program. Generally, this program provided fifty per cent Federal matching money, and offered low interest loans for the local matching portion.

I suggest that it is time for another program of this nature, this time sponsored by the State.

Such a program would permit our communities to build sewage treatment plants before drinking water is polluted. To buy the necessary power generating equipment before the first brown-out, to recognize the needs and the opportunities for future growth. To plan ahead in an orderly manner.

A water and sewer system expansion for Fairbanks would return far more to Alaska than Alaska's dollars invested in San Diego water and sewer bonds. Alaska will benefit more from the installation of new power generators at Wrangell and Hoonah than it will from the interest it earns on Little Rock, Arkansas utility bonds.

I have no quarrel with those who say invest our money. But I say let's invest it right here in Alaska. In ourselves. In our own communities.

Now let me speak for a moment about our rural areas.

You are all familiar with the statistics. Rural problems in Alaska are as great or greater than anywhere else in the nation.

Efforts at improvement now underway by State and local agencies hardly begin to match the task. The native land claims settlement, if it is generous, will be of considerable help. But the problems of rural Alaska will be solved with nothing short of an all-out commitment by the State to solve those problems.

The rural community action agency, representing virtually every governmental group at work in rural Alaska today has a proposal that would establish areawide rural government, directed by elected representatives of the people served. The proposal would establish a special development fund and the money would be directed toward development projects.

I endorse both of these concepts and hope that they will be enacted.

TRANSPORTATION

Now let's turn to transportation and its impact on our cost of living.

Changing transportation technology was one of the principal reasons for the wasteful, inefficient, overlapping transportation development in much of the United States. Heavy investments in turnpikes and canals were made obsolete by the coming of the railroad. Airports throughout the country have been in a near-constant pattern of rebuilding to adapt to unexpected traffic growth and bigger aircraft. The lack of adequate mass urban transit systems is a national fiasco.

Here in Alaska we now have the chance of a lifetime to develop an integrated statewide transportation system predicated upon uniform criteria for both capital investment and operations.

The haphazard, uncoordinated and often counterproductive transportation gestures of the recent past must come to an end. We may have some money in the bank but we have no money in the bank to waste on Swedish-built, Panamanian registered white elephants.

A key component of our long-overdue statewide integrated transportation masterplan must be a workable marine transportation system that would finally meet both the individual and business requirements of all Alaskans.

While traveling through many southeastern communities this past week, I was shocked to learn that school officials are considering chartering jet planes to transport hundreds of youngsters to Ketchikan for the southeast high school basketball tournament. The prime function of our ferry system must be to enable people to travel on a regular, convenient schedule.

Yet today, seven years after the inauguration of ferry service, high school students still cannot depend upon the ferry to take them to another community for a basketball tournament.

This mess must be straightened out.

For all Alaska, the economics of transportation point to a dramatic upsurge in the development of air travel. Given Alaska's demographic and topographic realties, we must develop a comprehensive statewide air highway system.

There is both the need and the opportunity for improving uneconomical load factors through creative state-private cooperation.

The southeast and Kodiak ferry systems were launched to provide those areas with a reliable, acceptable substitute for an ordinary road system. Both investments have paid off.

That same approach will work in the rest of Alaska utilizing the right kind of aircraft.

Communities such as Bethel and Unalakleet, Kotzebue, Nome and Barrow would reap enormous benefits. No longer would merchants be required to anticipate needs a year ahead of time and then carry the cost of large inventories over long periods. As a result of regular and frequent supply patterns, the costs of living would be dramatically lowered in all communities served.

A dramatic application of this concept is demonstrated by the benefits that will accrue to the citizens of Ketchikan with the completion of their airport.

I hope the state will show imaginative leadership through advance funding, so that the hiatus created by the delay in Federal funding will not cause us to lose the upcoming construction season.

The most dramatic growth in the air transportation field will be in the cargo segment.

What signaled to the nation the dawn of this new era in air cargo potential was the monumental utilization of cargo aircraft required to sustain the developing north slope oil activity.

More cargo was transported to the arctic shore last year than was transported in the Berlin airlift.

The aerospace industry has noted this event and has a new perspective of its opportunity.

We can capitalize on these developments.

Earlier in this address I mentioned a communications study. I want now to point out that Alaska also is participating in a transportation study. The cost is about $3 million dollars. $2 million dollars of that amount comes from the State of Alaska's highway maintenance fund. The study is being conducted by the Department of Transportation at the request of the Secretary of the Interior. The study will only concern itself with a rail and highway corridor to the North Slope.

Mind you, a $3 million dollar study, to and in an area that is presently served only by air and water. This study only concerns itself with a road and a possible railroad.

I would hope that this legislature would see that the study is unduly narrow in scope. And pass a resolution requesting that the Department of Transportation use this money to study not only a highway and a transportation corridor to the North Slope, but a transportation study of all Alaska.

To include a look at our existing highways and the turnagain and Krick Arm crossings, our ferry system, our air passenger system, our air cargo system, our water-borne freight system and a railroad link between Seward, Kenai, Homer and Soldotna.

$3 million dollars will produce the most comprehensive transportation study in the history of Alaska.

It's not too late to correct the scope of this study which could only become an embarrassment to its sponsors.

JOBS

Now let's talk about jobs.

If we are serious about building a model school system, our unemployment problem is a one-generation problem. If we provide every school child in Alaska with the skills, the education, the motivation and the opportunity to become self-sufficient, self-supporting, self-respecting members of our society, unemployment as an extraordinary problem will disappear from the Alaska landscape.

There will be some seasonal and cyclical problems of unemployment from time to time, but they will be kept within manageable bounds and will be of a different order of magnitude than the disgracefully high level of unemployment we are experiencing at present.

Unemployment and underemployment is not only expensive economically, but it is debilitating socially and psychologically. Investing a small fraction of our new-found wealth in manpower training and development will yield not only measurable economic returns but a fundamental strengthening of our entire social structure. The State must step up its manpower training and development efforts in all areas: planning, information, recruiting, counseling, placement and follow-up work. Lack of skills, lack of information, lack of follow-up, lack of preparation for culture shock, lack of motivation techniques that are sensitive cross-culturally, lack of adequate provisions to enhance geographic mobility, these all hang together.

State initiative, planning and coordination in orchestrating all available manpower training and development opportunities and facilitating their fullest utilization need much strengthening.

American enterprise has performed superbly in manpower training and development programs throughout the world, under far less favorable circumstances than the ones prevailing in Alaska.

State government must recognize that many Alaskans in key industries, such as fisheries, face this clear-cut alternative: Welfare or a carefully structured opportunity for adequate gainful employment. State policy must be consciously geared towards providing incentives and aid to activities with a high resident labor component, highly automated extractive industries by themselves will not solve Alaska's unemployment problem. Advance planning and training in high labor activities in service fields, such as tourism, will do much to reduce chronic unemployment patterns.

Here I specifically recommend the use of tax incentives and tax penalties geared to the employment of resident Alaskans. Enterprises operating in Alaska should train and employ resident Alaskans in all capacities.

The need is evident, and the State has the capacity to set up this year, in-residence type job centers in all four judicial districts.

CRIME

If what I have said concerning unemployment will not increase the thrust of our efforts, perhaps the following figures will truly bring home the full dimension of this social problem.

For the last year that comparative figures are available, Alaska had 1,970 major known crimes for 100,000 population. Among other sparsely populated States, the comparable figures are 1,304 for Montana and 1,269 for Wyoming.

The most distressing single aspect of Alaska's crime picture is the growing number of young people committing major crimes. It is particularly disturbing to note that much more heavily urbanized States have lower crime rates than Alaska.

Connecticut, Ohio, Pennsylvania, Minnesota, Washington are among the many States with lower crime rates than ours.

Thirty-eight States have a lower crime rate than we do. Alaska's crime rate is unacceptably high.

A modern statewide system of training, research and information is needed to cope with our growing crime problem. Alaska can be transformed from a high-crime to a minimum-crime society with the technology and resources at our command.

Our State trooper force should be increased by at least 100 additional uniformed troopers and necessary support personnel. State and local law enforcement officers must be equipped with modern crime-fighting tools.

This State simply will not tolerate being engulfed by a crime wave that has crippled the ordinary processes of life in many communities, including the Nation's Capital. We have the means, we have the technology, and we'd better have the will to reverse the trend of criminality in Alaska.

Now I would like to turn to a subject that is certainly the most important matter concerning Alaska in Congress, the native land claims.

On many occasions I have stated my support for the position adopted by the Alaska Federation of Natives. I want to reaffirm that support here today. There is legal justice to the claims, legality recognized by our Federal Government and our State government.

There is moral justice to the claims. For centuries the Alaska Native has occupied and used the land of Alaska. If his traditions had been different, if our non-Native law had not imposed restrictions, the Alaska Native today would own outright much of Alaska and be the undisputed inheritor of much of its wealth.

It is time to correct the wrongs of the past, and in so doing help a people who need more opportunity than our non-Native culture has ever afforded them.

I support the bill proposed by the Alaska Federation of Natives. I sponsored its introduction in the Senate. But realistically, I know, and the AFN knows, and the other members of the Alaska delegation in Congress know, that that bill will not pass in its present form. To gain the approval of Congress, many changes will have to be made.

I cannot tell you what the final product will include. Many variations have been discussed. I hope that the Senate Interior Committee, of which Senator Stevens and I sit as members, will report out a bill during the next month to six weeks. If that occurs, and we have reason to be optimistic about the chances for such prompt action, then we will have the broad guidelines of the final settlement.

As you know, one committee report, or action by one legislative body, does not always indicate the final terms of the legislation. And that's where we find ourselves today on the land claims question. We are in the preliminary negotiating stage.

The most controversial of the settlement proposals has been the question of the two per cent royalty. Much anxiety has resulted from a misunderstanding of this issue.

The two per cent is not an over-ride. It is part of the State and Federal shares. There would be no additional cost to the companies or businesses concerned.

Only through the use of the two per cent provision do I see any hope for salvaging Alaska's favorable 90–10 sharing arrangement with the Federal Government on revenue from Federal mineral leasing.

Alaska is the only State that receives 90 per cent. All other States receive thirty-seven and one-half percent. The Bureau of the Budget in Washington wants to change the formula to bring Alaska in line with other States.

The Department of Interior estimates that over the next ten years, rent, royalty and bonus income from Federal lands in Alaska will produce $4.2 billion dollars. If Alaska's share were changed from 90 per cent to thirty-seven and one-half per cent, Alaska would lose, during this period, an estimated $2.2 billion dollars.

If the Federal Administration attempts to change the formula, the only countering argument the Alaska delegation now has is that we need the money. I don't think that will be good enough. In the face of the fact that Alaska's continuing revenue will be dramatically increased and not with Alaska standing alone among all the States in the 90–10 bracket.

However, if the two percent in the land claims legislation is tied to the 90–10 formula, I doubt seriously whether the formula would be changed during the life of the native land claims settlement.

This would give us a logical argument and I think our view would prevail.

I urge the legislature to pass a resolution, recognizing the participation of the State of Alaska in a land claims settlement, and specifically endorsing the two per cent revenue-sharing concept on both State and Federal lands.

The projected cost to the State would be about $177 million dollars. This is readily offset by $200 million of Federal revenue, while still leaving the State of Alaska and all of its citizens the happy recipients of two billion dollars.

We should have some indication of the framework of the settlement while this legislature is still in session. At that time we may have to call upon you to consider State legislation that would implement or be compatible with the terms of the Federal settlement. I will stay in close touch with your leadership as we move toward a decision on this extremely vital question.

Now let me come directly to the issue facing all Alaskans. What to do with $900 million dollars? I have just sketched some programs that should be undertaken now, and can only be undertaken if we begin to use wealth that is at our disposal.

Is it a mere coincidence that at the end of fiscal year 1971, the present State administration will have $900 million dollars of uncommitted and unappropriated wealth in the bank?

Or is it the fear of this administration based upon a lack of imaginative leadership or an insensitivity to the pressing problems of the people of Alaska?

For certainly, great problems exist and opportunities are at hand. I am flabbergasted at what the recently submitted budget does and does not do.

Let me cover some of the illustrative items which I feel reflect the twisted priorities and unimaginative bureaucratic increases proposed by this administration.

The budget in the Governor's office for contractual service was increased from last year's $42,000 to next year's $190,000. The budget for Alaska native housing for a comparable period shows a cut of thirty-five percent. There is not one additional dime in the budget for the mentally retarded.

In this election year the travel budget in the Governor's office will rise to $46,000 dollars, compared to last year's budget of $19,000. It appears that the Governor's office needs one hundred and forty per cent more travel this year.

Meanwhile, the Rural Development Agency takes a cut of $37,000 dollars. And the extreme problem of alcoholism is attacked with a ministaff of two, to cover the whole State of Alaska.

Apart from the details of the budget, a cruel hoax is in the making. There is either colossal ignorance or deliberate distortion in the claim that the $900 million will be worth $900 million dollars a year after the lease sale.

At the current rate of inflation of over six percent, the $900 million received in the fall of 1969 will be worth $846 million dollars in the fall of 1970.

Assuming the same rate of inflation, by the end of the budget year you are presently considering, the $900 million will be worth $803 million.

At this point all I can do is admonish this administration to go to the Bible and re-read the lesson and moral of the buried talents.

I'm astounded that the State's high-priced outside financial advisers have not advised this administration concerning a practice employed in most financial institutions in this country as a hedge against inflation. That practice is to demand a piece of the action in order to provide the debt capital needed to undertake any enterprise.

Ladies and gentlemen, may I suggest that the only way Alaska can acquire a hedge against eroding inflation is for the State of Alaska to acquire a piece of the action. Yes, a piece of the action on Fourth Avenue in Anchorage. A piece of the action on Franklin Street in Juneau. A piece of the action on Cushman Street in Fairbanks. A piece of the action on Main Street of every community in Alaska.

I am sure you all realize that our nine hundred million dollars was only a down payment, not a final settlement. Oil royalties will jump from less than twenty million dollars this year to an annual rate of over one-quarter billion dollars before the end of this decade. With proper leadership, our mineral industry faces a future no less promising than oil. Fisheries, forestry, agriculture, tourism—all have a secure and bright tomorrow within the framework of bold and creative State leadership.

In the past, the Federal Government held the key to Alaska's welfare. This was not because of any particular wisdom that Washington possessed. Far from it. Alaska's fate was determined by Washington because Washington had money and we did not.

We now have wealth. We can now determine and guide our own destiny. We will no longer be at the mercy of distant decision-makers. We can be finally masters in our own house.

I predict that as we demonstrate our ability to build the model society in this decade, the response from Washington will be supportive and positive beyond our expectations. The more effectively we succeed here in Alaska the more responsive the Federal Government is likely to be in expanding its cooperation with us.

Alaska is at a hinge of history. We are connected to the past but we are swinging in new directions, neither old cliches, nor new overtures will supply us with thrust or direction. A bold willingness to grasp our unprecedented opportunities will.

The years ahead are turbulent with the excitement of rapid and complex change. Anyone can hold the helm when the sea is calm. But our ship of state is headed for the stormy weather of unknown horizons. With leadership that cares about people and leadership that understands the complexity of issues, we shall reach our goal.

A model society in Alaska in this decade!

REPORT TO THE PRESIDENT BY DR. KENNETH WELLS AND CIVIC LEADERS

Mr. THURMOND. Mr. President, today a group of national leaders representing 18 voluntary organizations made a report to the President. These leaders represented civic, health, fraternal, service, veterans, and educational organizations and, in my judgment, they are truly representative of a cross-section of the American people.

This group, led by my good friend Dr. Kenneth D. Wells, president of the Freedoms Foundation of Valley Forge, has just made a factfinding tour to Vietnam. As expressed by Dr. Wells for the group, the trip uncovered four facts: Dr. Wells says that the South Vietnamese are invaded by the Communists, that the leadership structure has been systematically assassinated by the Communists, and that the American people have not realized the brilliance of our Government's civic action organizations. Finally, Dr. Wells points out, and I quote:

The parroting by dissident students, political leaders, organization leaders or any other American, of Hanoi propaganda eases the way for acceptance and justification of North Vietnam aggression This endangers and undercuts every man in the honored uniform of our country.

I would like to congratulate Dr. Wells on this trip and I know that the President was pleased to find such a worthwhile activity being conducted by the citizens of our Nation.

I ask unanimous consent that the press release about the report to the President be printed in the RECORD at the conclusion of my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

National leaders representing eighteen voluntary organizations reported today to President Richard M. Nixon on their recent survey visit to Viet Nam.

They expressed individual high approval of President Nixon's Vietnamization program and its progress, and in the ability of the democratic coalition government of South Viet Nam and the Armed Forces of the Republic of South Viet Nam in repelling the Communist aggressors from the north and continuing the building of their Republic as they constantly accept increasing military and political responsibility. The withdrawal of American troops should be accompanied by an accelerated people-to-people program to enable the Vietnamese people to achieve a true freedom, a goal all Americans should seek and in which historically our nation will take pride.

Numerous members of this volunteer group emphasized this represents a valuable alternative in Viet Nam to military action of the U.S. Government. It is the alternative of the voluntary Vietnamization activity by American civic, health, fraternal, service, veteran and educational organizations. Dr. Kenneth D. Wells, President of Freedoms Foundation at Valley Forge, who sponsored this factfinding trip said:

"It is high time for the American people to increase their help of this new struggling constitutional country, by rebuilding hamlets and houses, by providing medical supplies, by establishing schools, and by organizing training clinics, and voluntary clubs and societies, thus advancing the opportunity to bring our troops home at an earlier date, something which cannot be done by partisan complaints or echoing the Hanoi propaganda line."

Dr. Wells said for the group: "There are four indisputable facts:

"1. The South Vietnamese *are* invaded *by* the Communists.

"2. Over 50,000 of South Viet Nam's government, business, educational, scientific, health and agricultural leaders have been selectively assassinated in the last decade. They must be replaced; they can be replaced. Training conducted by voluntary workers of the American civic, service, veteran, medical associations and clubs can, if massively organized, bring it about assuring the growth of a solid middle class.

"3. The American people have not been given an understanding of the brilliance, extensiveness and successful human values of our government's civic action operations and the even larger help of all kinds, individually given by our GIs—Army, Marines, Navy and Air Force in Viet Nam. The total Civic Action story is beautiful. The American people do not know it.

"4. The parroting by dissident students, political leaders, organization leaders or any other American, of Hanoi propaganda eases the way for acceptance and justification of North Viet Nam aggression. This endangers and undercuts every man in the honored uniform of our country. It is obvious from being on the ground of Viet Nam and studying VC and North Vietnamese Communist propaganda in depth that the Viet Cong, North Vietnamese and Communist world are holding onto and increasing their propaganda aims in the United States as the primary plan for an ultimate favorable political settlement—the opposite of the military victory the Army of the Republic of Viet Nam and the USA team have denied them.

"We are convinced that the constructive constitutional government under President Thieu is growing stronger every day. Americans must not let the world Communist propaganda mechanism use its aggression in the Viet Nam war to be turned around and used as a fulcrum to unsettle and destroy the United States of America by propaganda and organized insurrection from within."

CHANGING PATTERNS OF HEALTH CARE SERVICES, FROM TEXAS TIMES, A PUBLICATION OF THE UNIVERSITY OF TEXAS

Mr. YARBOROUGH. Mr. President, the January issue of the Texas Times, a publication of the University of Texas system, Austin, Tex., includes an article on the "Changing Patterns of Health Care Services" which I would like to share with my Senate colleagues. The article was adopted from a speech given by Arthur H. Dilly, assistant to the deputy chancellor for the University of Texas system, at a recent meeting of the American Occupational Therapy Association in Dallas. Among other duties Mr. Dilly assists in the administrative operations of the university's academic and health units.

Mr. Dilly believes that responding in a significant way for a new social consciousness and health care delivery system is the greatest challenge facing medical professionals in the 1970's. He touches on the increasing cost of medical care and the shortcomings of the American medical delivery system. He states, for instance that "the health of the American population is no better, and probably worse, than the health of populations in countries with considerably lower standard of living in economic terms and with more limited affluence."

He backs up this statement by pointing out that life expectancy at birth is lower in the United States than in many other countries, and that our position in this regard is becoming less favorable. He pointed out that between 1959 and 1965, the United States standing in life expectancy among males declined from 13th place to 22d among the nations of the world.

After discussing the shortcomings of medical care in our country, Mr. Dilly points out what he believes is necessary to improve our health status. I think his suggestions for a better health delivery system merit the serious attention of anyone concerned with the current status of health care in the United States.

Mr. President, I ask unanimous consent that the article I have just discussed be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Texas Times, January 1970]

CHANGING PATTERNS OF HEALTH CARE SERVICES

(Note.—The report which follows is adapted from a speech given by Arthur H. Dilly, assistant to the deputy chancellor for The University of Texas System, at a recent meeting of the American Occupational Therapy Association in Dallas. Mr. Dilly assists the deputy chancellor, Dr. Charles A. LeMaistre, in administrative operations of the UT System's academic and health units.)

No one who has paid doctors' and hospital bills will be surprised to find that medical care costs are rising rapidly: Doctors' fees are up seven per cent a year, and hospital charges 16 per cent a year. Nor does the immediate future hold much hope of betterment.

On a national scale, health care accounts for about six per cent of the Gross National Product. In 1967, the total health bill was $54 billion, of which the Government paid about

$11 billion. The total for 1968 has not yet been computed, but the Government contributed about $19 billion during fiscal 1968. It is predicted that by 1975 the total health bill will reach $100 billion, which will be eight per cent of the GNP.

Despite this vast investment, which constitutes by far the largest per capita expenditure for medical care in the world, the health status of the American population is less than enviable.

An inspection of data used to assess the health status of populations will reveal that the health of the American population is no better, and probably worse, than the health of populations in countries with a considerably lower standard of living in economic terms and with more limited affluence. Expectation of life (at birth) is lower in the United States than in Sweden, Iceland, the Netherlands, Switzerland and many other countries. Moreover, the position of the United States in expectation of life is becoming less favorable. Between 1959 and 1965, expectation of life for males has moved from 13th rank to position 22, and among females from seventh rank to 10th position. A similar situation exists in the case of infant mortality. In recent years the United States has varied between the seventh and 18th position in its rate of infant mortality. It is frequently assumed that the difference between the United States and other countries may be explained in terms of the excess infant mortality among nonwhites. This conclusion has no basis in fact. The white rate of infant mortality still exceeds 20 deaths per 1,000 life births, while lower rates are experienced by many countries including Sweden, the Netherlands, Australia and New Zealand.

If one inspects comparative morbidity data, one can find no real evidence that Americans are healthier than their counterparts in other countries. Despite our vast expenditures for medical care services, we appear to have no greater return than other countries that invest far less for such services. This dismaying fact suggests that we can organize and distribute medical services in the United States more effectively and in a manner which will have greater impact on the health of the community.

In short, there are significant indications that what is generally called the "health care system" has great need for an organizational and administrative overhaul.

Among the social scientists—and the delivery of health care services is now correctly regarded as a social problem—the economists probably have the greatest insight into the operational and functional aspects of systems for the delivery of services. Among other economists, Victor R. Fuchs, vice president of the National Bureau of Economic Research and professor of community medicine at the Mount Sinai School of Medicine, has used this discipline to look at the health care delivery system.

My primary academic and professional orientation has been in the health services area, and I suspect, as I know is true in my case, we in the health professions tend to become rather introspective professionally. While we speak with great favor of the multidisciplinary approach, we probably do not include some disciplines that could help in the solution to some of our problems.

Instead of presenting a rehash of problems, criticisms and proposed solutions to recognized problems of the health care system, I will present a framework within which individuals in the health professions might conduct their own analysis, and perhaps come to some conclusions, as I have done.

Since the framework is essentially an economic one, I will make some general comments regarding the economist's basic frame of reference.

For the economist, the need for a system arises from the fact that resources are scarce relative to human wants.

Everyone cannot get everything that he wants; there must be some basis for distributing what is produced. When an economist talks about an economic system, he is talking about the network of institutions, laws, regulations and patterns of behavior that society has created in order to answer basic economic questions.

Every society has evolved its own system for making these decisions. But if we try to classify them, economists find that there are really only three types of systems for economic decisionmaking.

The first is based on custom, tradition and religious ritual. This is a system in which the economic decision-making is not readily apparent because it is embedded in the total culture of the society. Most primitive and peasant societies operate on this system, and elements of it persist in even the most advanced nations.

A second type of system we can characterize as centrally directed. This is a system in which the basic decisions are made by one man or a small group of men who are situated at the center of the power structure. In ancient time, some of the larger and more important empires were run to some degree by central direction. In modern time, the Soviet Union provides the usual example.

The third basic kind of system is called a competitive market system, or free enterprise system; the system which we all endorse. In our society there are, and there always have been, elements of custom and tradition and elements of central direction, but most decisions are made in the framework of the competitive market.

The interaction between demand and supply determines the quantities and the prices of the various goods and services. It is this interaction that answers the basic questions of what goods will be produced, how they will be produced, and for whom they will be produced.

In observing the free enterprise system in practice, this system has tended to use resources efficiently, and to produce products and services wanted by society.

This system has great incentives to use resources efficiently—in ways consistent with changes in technology, attitudes, location and consumer demand. Economic studies of the free enterprise system have revealed certain conditions that are necessary for the system to function well.

First of all, in each market there should be many buyers and sellers. The prices and quantities will be determined by the impersonal workings of the market and by competition, and will not be controlled by one buyer or one seller or by a small group.

The exception to this requirement is only in the case of the so-called natural monopoly. It is clearly more efficient to have a single seller for telephone service, and we cannot expect, nor do we want, a competitive market system.

A second requirement is that there must not be any collusion among the buyers or sellers. If there is collusion, we may be no better off than if there was only a single seller. We need the advantages that come from competition.

A third important condition is that there must not be any barriers to entry. If it is always possible for new people to come into a market, the threat of this potential competition acts as a strong disciplinary influence on those who are already in the market.

A fourth condition is that there should be good information. If there is a market where the buyers or the sellers do not understand the technology of the market, or are not familiar with prices, quantities, or the availability of alternatives, it is likely that the favorable consequences expected from competition will not be realized.

In applying the free enterprise approach to medical care, two problems seem paramount. One has to do with the "for whom" question, the problem of the distribution of income. Many people feel that given the present distribution of income, a system which allocates medical care in accordance with that distribution is unjust, and indeed intolerable. The belief is that it is appropriate to apply this system to a man's ability to obtain a car, but it is unjust to apply it to his ability to obtain medical care.

The other big problem concerns the market imperfections. To what degree and in what ways does the medical care industry in the United States conform to the particular conditions that are needed for the free enterprise system to work well? As we consider the circumstances surrounding the production and distribution of medical care, many difficulties are apparent.

The first relates to an information lack. We all know that the consumer is often not a good judge of what he is selecting or what he should select in the field of medical care. This is true for many reasons—the complexity of the technology, the infrequency with which certain kinds of medical selections are made, the fact that the consumer may be under emotional strain at the time of purchase, and so on.

Another difficulty is that many aspects of medical care come close to those of a natural monopoly. Take the situation with respect to short-term general hospitals in a town of 50,000 people. How many should there be, taking efficiency into account? The answer is probably only one or perhaps two. This applies equally to many medical specialties. One or two specialists of several types can serve a town of quite good size.

Another problem arises because the dynamic tension found in most competitive markets is detrimental to the production of good medical care. This tension, that usually exists between buyer and seller and among sellers, can be harmful to medical care. There should be a feeling of complete trust between the buyer and the seller rather than one of tension.

Finally, some economists have been very critical of what they regard as collusive behavior among physicians, and critical of the barriers to entry that have been erected. It can be argued, however, that these interferences with normal competition serve socially useful purposes, and should not be viewed simply as attempts by physicians to enhance their own incomes.

As I look at our present system of health care, I classify its weaknesses into three categories: the weaknesses of effectiveness, of efficiency and of equity.

The effectiveness of our system of health care becomes suspect when we look at the various indices of health status in this country and compare them with those of other countries. This comparison, upon which I commented earlier, is unfavorable to the United States, and raises questions about the effectiveness of our system of health care. I emphasize health care, as opposed to medical care, because it may be that the lack of effectiveness does not reflect on the quality of our physicians and health team as much as the more fundamental question of what is it that the health care system is trying to produce.

The question of efficiency comes to mind when we see the high cost of our present system of health care. Ours is by far the most expensive health care system in the world. In most other industries the high wage level, which is characteristic of our system, is offset by higher productivity, and by more efficiency. That is precisely what seems to be lacking in our system of health care. More specifically, it is easy to find

important instances of inefficiency such as duplication of facilities, the use of highly skilled personnel for tasks that less skilled people could do, overutilization of facilities, and so on. "How should we produce health care?" is a very important question.

Finally, as I look at our present system, I see some important deficiencies in the area of equity.

The first problem, and probably the overwhelming one, is that there are millions of people in this country who receive either no medical care at all, or very little, or who receive it under conditions that are demeaning and not conducive to the production of quality medical care.

The second is that there are people in this country who can afford to pay for their own medical care on an insurance or prepayment basis, but who choose not to do so. When they become seriously ill, the cost of caring for them falls on other people, either in the form of higher prices for medical care or in the form of taxes. According to my personal value judgment, this also is an element of inequity.

How can the weaknesses of our present system be remedied, and under what kind of system? I will concentrate on a few areas that seem to me of prime importance.

First and foremost, I see a need for reforms and changes in the area of medical education and medical practice.

I believe that impartial observers would agree that American medical schools educate their students to practice a high level of medical skill. Indeed, within the complexity of the modern teaching hospital and medical center, the prospective physician is not only taught a high level of technical medical work, but he also learns how to work with other physicians and various allied health personnel in the delivery of medical services. He learns that much of medical care requires team effort and a variety of diagnostic, treatment and rehabilitation aids.

There are several factors that are now producing great pressure for changes in the community organization of medicine and in the direction of medical education. First, government is increasingly contributing a larger share of the medical care bill. There is a growing concern among government officials that medical care must be a more efficient product, and that the gains obtained from public programs must be more consonant with the large investments involved.

Government concern is linked with concern among other groups, such as insurance companies and labor unions, who are troubled by the growing costs of medical care. As medical care becomes more sophisticated, and as it involves larger teams of professional workers and more elaborate and expensive technology, expenses mount. There is tremendous concern about controlling additional costs attributable to inefficient and uneconomic forms of medical practice. The total costs of medical care are also rising because, as medicine demonstrates that it has something to offer the consumer, there is a growing per capita demand for medical services. Growing demand increases the burden on manpower and facilities, producing even further pressures for efficiency and higher productivity among doctors and other health professionals.

The demand for medical services is not only growing in amount but also in kind. The average consumer is more sophisticated about medical practice than in the past, and he wants not only more technical services but also a more personalized, integrated and coordinated pattern of medical care. To meet these increasing demands for a new continuum of health care services is the primary challenge facing medical educators today.

With respect to hospitals, I have two thoughts. First, we must get away from the notion that hospitals should be reimbursed on the basis of their costs, whatever those costs might be. If ever there was a system built to produce inefficiency, it is reimbursement according to costs.

My other thought for hospitals is that we begin to think in terms of hospital systems. There are two reasons for this. First, I believe the number of really skilled administrators available is far too small to manage effectively the 7,000-odd hospitals we now have. In most other industries a solution is found in permitting the more efficient and skilled administrators to spread their wings and exercise control over a larger range of resources. For example, we do not limit a good steel executive to managing one steel plant. My other reason for advocating hospital systems is that I think such systems can be made to work more efficiently. A good manager will be able to use the various elements in his system more effectively than when they were under separate control and separate management.

I also see a need for reform and change with regard to the distribution of medical facilities and medical manpower.

A major problem in the United States, as in other countries, is the uneven distribution of medical facilities and medical manpower. Basically, two major areas of need exist, but their problems are different and require somewhat different approaches. On the one hand, with the developing suburbs there is a tendency for medical facilities and manpower to move into such areas, leaving tremendous gaps in medical services for lower income groups in large urban areas. On the other hand, medical facilities tend to develop in areas of urban concentration, leaving many rural areas without an adequate system of medical services. Doctors, like other professionals, respond to opportunities in the environment to have good contexts to practice medicine, to have good educational and cultural facilities for their families, and to have generally the advantages of urban life. Both urban slums and isolated rural areas present difficult problems for this point of view.

It is interesting to note in this regard that many rural communities have offered American doctors subsidies such as free office facilities, a guaranteed income and so on, but this has not been adequate incentive for relocation or establishment of practices.

Some countries require medical students to practice in rural areas for a particular period of time following graduation. Although such coercion would not be acceptable in the United States, similar goals can be advanced through economic incentives, and these have been used for several years in particular specialties. Some states, for example, have subsidized psychiatric residents on condition that they serve after the completion of their training for a specified period of time in state mental hospitals. This plan has worked to some extent, and some of the doctors who undertake such commitments decided subsequently to make a career of such practice. It would not be difficult to establish a similar plan for medical schools, providing complete subsidy for the student's medical education on condition that he agrees to practice for a specified time in some area of the country designated as "medically needy."

It is very unlikely that any such changes would radically alter the problems of rural areas in attracting adequate medical manpower. There are, however, a variety of possible solutions. One possibility is a regional health center-hospital complex organized particularly with rural problems in mind. Such a health center may have a traveling health team that supervises public health nurses or some other new health professional such as a physician's assistant who works in each community. Such a person might provide the day-to-day care in the community, referring any complex case to the regional health clinic. The clinic may have its own transportation system bringing persons from outlying areas to the clinic. Clearly, there are many problems that will have to be worked out, but it is unlikely that the difficulties faced by rural areas can be solved through traditional patterns of medical service.

The problem of providing medical care to urban core areas is somewhat different because of the heavy concentration of population. Health services within such areas should be easily accessible to the population and structured to take into account their special problems. The possible alternatives for making medical services more acceptable socially to low-income groups are numerous and not sufficiently studied. However, the basic principle that such services should be organized with the special needs of the population served is one likely to pay handsome dividends.

The development of alternative forms of medical facilities should be considered. Proposed "health centers" will pose problems as well as bring about improvements. As medical care moves from a very personalized tradition to a more organized form, many failures will occur in responding to the personal needs of patients from a psychological and social standpoint. We have a good analogy in the educational field where schools and universities have undergone tremendous growth. The growth of such institutions has provided substantial advantages in resource acquisition and potentialities for service, but it has also resulted in depersonalized relationships between teacher and student, and a failure to respond to the special needs of particular kinds of students.

It would be wise for developing health centers to meet these problems before they become widespread and undermine the concept of the health center itself. Another alternative being considered presently is the training of physician's assistants who take on more limited technical functions of the physician, leaving him more time for dealing with more comprehensive needs of patients. It is not clear, however, that this type of separation of tasks will be particularly pleasing to physicians. The particular solutions most appropriate are unclear, and many different types of approaches must be tried. At this point it is more important that we ask the appropriate questions than to settle on any particular answer.

The health center concept appeals to some because it may be a solution to the continuing spiral in medical care costs. It is assumed that the capacity to treat more patients in better organized settings will reduce the cost of individual units of service. The health center concept, however, involves a much more sophisticated pattern of service and consideration of a wide variety of problems now neglected in community general practice. Thus the assumption of economy is one which is probably incorrect. One can conceive of health centers as being little more than general practice factories, but this is not the current concept. If the health center is to provide comprehensive services, if it is to give emphasis to human problems, if it is to provide the physician with the technology and help suggested, and if physicians and other health professional are to receive reasonable remuneration for services provided, then health centers will be expensive. Perhaps we must compromise the ideal, but we should be clear as to the relative costs, and not make claims that cannot be realized.

It seems to me that in the decade ahead there must be a reassessment of the role that third party—essentially insurance—will play in the health care system. Basically, of course, this relates to financing health care costs, and I would like to suggest four principles upon which any realistic reassessment of the insurance system must be based.

The first principle is universal coverage under some plan or group that at least meets minimum nationally established levels for health and hospital care.

The second principle is that the premiums should be paid for by consumers themselves, or should be paid for by employer-employee contracts. The federal government's role should be limited to subsidizing the premiums for low-income persons and perhaps subsidizing certain recognized high-risk groups.

The third principle is that there should be a free choice of plan or group wherever practicable, including the right to buy more than the minimum coverage. I assume that over the years, as the nation becomes more affluent, the required minimum will be raised. But whatever it is at any given time, there should be an opportunity to purchase more.

My fourth principle is that the plans and the groups ought to be consumer-oriented. They should employ knowledgeable people who will then contract with producers, singly, in groups, or in systems, for health care to the people in that group. This seems to be the only way to obtain informed competition. Uniformed competition in the medical care field does not produce desirable results, but it seems to me that informed competition certainly might do so.

I would suggest further, with regard to insurance, that there should be an overriding premise related to the four principles that I have already mentioned. This premise is that these programs should focus upon the aspect of "keeping well" and not "getting well." Current programs emphasize the treatment of the episodic illness, and future programs should recognize the desirability and economy of preventive measures to illness. To do otherwise places emphasis on the most expensive aspect of health care—the in-patient care of the episodic illness.

With the increased role of the federal government in the health care system, there is a need to study the nature and scope of the role which the federal government can and should play. Some economists say that if the distribution of income is unfair or the imperfections in the market are too great for the free enterprise system to work well in providing health care, then the tendency will be to turn to central direction, that is, the government. To all of us this would be undesirable. Unquestionably, however, there are legitimate functions for government which fall far short of taking over medical care completely.

First of all, it can be a source of information. The government can try to remedy those aspects of the problem that have to do with the fact that consumers are poorly informed. The government can also be a regulator of standards and qualities, and, where necessary, an enforcer of the public interest. It can influence the supply of resources going into medical care by subsidizing medical education, research and the like.

The government clearly has a role to play in making the system more equitable. It also should subsidize those health-related activities that have substantial external effects such as public health and environmental controls. And it can help physicians and medical schools move toward greater efficiency. Finally, the government could be a producer of health services. It could hire physicians, build hospitals and actually produce medical care for those outside the scope of the free enterprise system.

In summary, I would suggest that to evaluate our system of delivery of medical services, it is necessary to specify some criteria by which it may be judged. As a first criteria, I would contend that an effective system of health services distributes care to those who are most in need. Secondly, I assume that an effective health care system distributes its manpower and facilities effectively among various localities and geographic areas, and provides and coordinates services so as to meet evident community needs.

A third assumption, on which there is pervasive agreement, is that good medical care involves not only the development of technical skills and scientific knowledge, but also the ability to use these in a manner that leads to an effective and coordinated pattern of care. Although the United States has medical technical capabilities as well developed as any in the world, there is no clear responsibility for the integration and coordination of health care.

The organizational apparatus that typifies the community practice of medicine is one more fitted to the 19th Century than the present day. Although medicine in recent decades has developed in its scientific base and its technical capabilities, the basic structure through which such care is provided to the community is one which was developed when medicine was a primitive art and technology a new word in the medical vocabulary.

Much is unclear about the future, but it is evident that we are in a period of transition in our modes of delivery of health care. These changes are, in part, adaptations to rapidly changing technology, but they also are responses to a new social consciousness and new definitions of health needs. To respond in a significant and meaningful manner to this demand for a new social consciousness and a new health care delivery system is the greatest challenge facing medical professionals in the decade of the 1970's. Get aboard now—it's going to be an exciting trip.

THE BEST—ABOVE THE BEST

Mr. MONTOYA. Mr. President, much has been written in the news media of late about the conduct of our combat soldiers in the Vietnam conflict. I, for one, am convinced, that on the whole, all aspects of their performance of duty have been exemplary, even though conducted under the most difficult conditions and constraints ever faced by the American fighting man.

My purpose here is to shed some light on the activities of an unheralded band of unsung, determined, and seemingly tireless corps of sky soldiers—the Army's combat helicopter crew chiefs.

In Vietnam, the helicopter has proven to be one of the most versatile and combat-effective tools in the arsenal of the military field commander. Few in that wartorn country would choose any other mode of transport—even into the most hostile area. From the standpoint of medical evacuation alone, helicopters have carried over 300,000 casualties, military and civilian, thus saving countless lives and much suffering. The real backbone of this fleet of lifesaving and combat supporting vehicles is the crew chief, mechanic, and door gunner. Yes, this combat tested GI is a veritable jack-of-all-trades. He maintains, services, and keeps combat ready his aircraft; he flys along on all missions performing as a door gunner/observer—truly an extension of the pilots eyes and ears; and he is always ready to fight—as the infantry soldier—when necessary, to defend a downed aircraft, wounded comrade, or a heliport under attack.

The 18- to 20-hour day is not uncommon and the 7-day week is routine for these dedicated men. Their daily routine consists of flying all day in a relatively exposed position to enemy ground fire; then working most of the night to maintain these complex machines; all supplemented by guarding their airstrips, KP duty, sandbag filling details; and many of other activities necessary for survival in a hostile environment.

The Vietnam conflict has shown that helicopters and their crews are susceptable to enemy ground fire; however, a very interesting fact has surfaced—that is, that although many helicopters have been "shotdown" by enemy fire, a relatively small number by comparison have actually resulted in a total loss to the Army inventory. Due to the nature the helicopter and its ability to be autorotated to a relatively soft landing if there is an inadvertent loss of power; or in an emergency; many ships which have been brought down by enemy ground fire were hastily repaired in the rice paddy, or have been "sling-loaded" under larger helicopters and flown to a field or general support helicopter maintenance facility where repair was effected. The point is that many choppers, which were hit by enemy fire, have been repaired to fly and fight another day. It stands to reason that when the high performance jet aircraft gets "shotdown," there is usually very little left to salvage from the wreckage, whereas the Army's slower flying and maneuverable chopper is usually salvageable after being brought down by similar enemy action. One of the keys to this high recovery rate is, of course, none other than the aircraft chiefs. They effect the hasty rice paddy repairs, they attach the slings and signal hoisting of the downed machine; and also they work to return a ship to flyable status after it has been lifted into a secure area.

There seems to be no question in the minds of many, that the helicopter is more vulnerable than the conventional fixed-wing aircraft or the high performance, fast flying jet. But as one knowledgeable proponent of the Army's airmobile helicopter operations concept points out: "When they've shot down one of those red hot jets; what type of craft is sent into the same hostile environment to recover the downed crew?" Of course, it is the helicopter, manned by the dependable men in green.

In the final analysis, I find that our young sky-soldiers—the men behind the guns, tools, and machines—are a credit to their generation, their families, and their Nation. They have demonstrated once again that they can rise above any exigent situation, as our youth have done so many times in the past, to get done the job at hand, no matter how demanding, complex, or dangerous. And mindful of the social unrest which is apparent in their generation at large, and reflected to a limited degree within the Army itself, they continue to work and fight wholeheartedly for their country.

I salute the Army's brave corps of heliborne crew chiefs—may they continue to fly with pride above our Nation's best.

ON PREVENTING INFLATION

Mr. HARTKE. Mr. President, Leon Keyserling, a former Chairman of the Council of Economic Advisers and one of the most stimulating economic analysts of our time, has recently written a letter

to the editor of the Washington Post in which he challenges some of the basic assumptions of present fiscal and monetary policy.

One of his most interesting conclusions is that the rate of price inflation increases during periods of economic stagnation and decreases during periods of optimum economic growth. This fact leads inevitably to the realization that "a program for sustained and optimum economic growth would yield the least price inflation in the long run."

Mr. President, so that my colleagues may have the benefit of Mr. Keyserling's letter, I ask unanimous consent that it be inserted in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INFLATION AND THE COST OF MONEY

(By Leon H. Keyserling)

The Jan. 29 press told us that wholesale prices increased at an annual rate of 8.4 per cent in that month, following the 6.1 per cent increase in consumer prices in December; that AT&T stocks reached the lowest level in almost 10 years, and the stock market the lowest level in 3 years, in recognition of the recession now upon us; and that the Treasury is making an offering at an 8.25 per cent interest rate, the highest for comparable securities since 1959. The proponents of current policies to stop inflation assure us that they will "take effect in time," and that the divergent trends just mentioned reflect only the "lag" between effort and results. But let us look at the record more realistically.

During the periods set forth, the average annual rates of real economic growth and of consumer price advance have been as follows: 1952–55, 3.5 per cent and 0.3 per cent; 1955–58, 0.8 per cent and 2.6 per cent; 1956–58, including the largest recession since before the Korean war, 0.2 per cent and 3.1 per cent; 1958–60, 4.3 per cent and 1.2 per cent; 1960–66, 5.1 per cent and 1.6 per cent; 1966–69, 3.4 per cent and 4.1 per cent. Within this latest period, generally speaking, the rate of price inflation increased as the economic stagnation intensified, and has become most rapid when growth was reduced to zero or minus. Attempted time-lag explanation of this long and consistent record become ridiculous.

The real explanations are clear. In the bellwether sectors of the economy sparking and leading the inflation, disappointing volume of activity and increasing idle capacity lead to administered price increases, in the effort to support profit and investment targets nonetheless. Productivity, tremendously repressed by economic stagnation, fell in the private economy from an average annual advance of 3.7 per cent during 1960–66 to only 0.6 per cent from third quarter 1968 to third quarter 1969; this increases labor costs and causes allegedly compensatory price increases. An endless succession of ups and downs in the economy, accompanied by wayward shifts in policies to apply the remedy of "fine-tuning," increase uncertainties everywhere. Some prices rise to make hay before bad times, others rise because of excessively bunched investment programs to get ahead of more inflation. Some of the biggest rises in the consumer price index have been in the costs of home occupancy; this has been due to shortages due to tight money and rising interest rates, and by deficient public spending for housing, both part of the crusade against inflation. The same is true substantially of the spiraling costs of medical care. More generally, as cost of the money enters into the cost of almost everything, nothing is more inflationary than rising money costs. The utilities are seeking and need rate increases almost everywhere, because they finance primarily with borrowed money. The workingman whose cost of living enters his wage demands finds that if he buys a new house now, he will pay out during the period of amortization, due to the rising interest rates alone, the equivalent of one year of his wages.

It follows that the concentration of fiscal and monetary policy, and many other national policies, upon a program for sustained and optimum economic growth would yield the least price inflation in the long run. Besides, over the next 10 years, it would give us an average of $100 billion a year more in real national product, which we sorely need for domestic and international reasons. Yet even today, the economists, inside and outside of government, remain blind to empirical observation, hostile to the few who forecast what would happen from 1952 forward, and determined to stick by their guns aimed in the wrong direction.

JOHNSON RAISES PERTINENT QUESTIONS ON ALLIANCE

Mr. McGEE. Mr. President, our former Chief Executive, Lyndon B. Johnson, has called attention to the choice facing this country in the realinement of its foreign policy. We have more than 40 alliances which represent the word of honor of the United States, he said, and we face the choice of living up to them or not.

Recently, Richard Wilson, writing in the Evening Star, called the former President's comments "extremely pertinent" and observed that the Senate can play a significant part in the process of realining our commitments by "constructive study and analysis of the treaty commitments it has helped to make and of our present ability and purpose in fulfilling those commitments."

Mr. President, I could not agree more. And I ask unanimous consent that Mr. Wilson's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

JOHNSON RAISES PERTINENT QUESTION ON ALLIANCE

(By Richard Wilson)

Lyndon B. Johnson has raised an extremely pertinent question in his television memoirs. We have more than 40 alliances "which represent the word of honor of the United States." We either ought to get out of those alliances—"Tear them up"—or we ought to carry them out, according to the former President.

In fact, some such reexamination is going on in various branches of the Defense and State departments involving eight formal defense treaties, 21 defense agreements and other arrangements.

Johnson leaves little doubt where he stands. He would be on the side of honoring our word. But it is far from that simple, and Johnson, of course, knows that very well.

What Johnson is reflecting is the sense of uneasiness and uncertainty which pervades all public life on the credibility of American defense arrangements with 42 allies of one kind and another.

It cannot be said, with any enthusiasm at least, that the Nixon doctrine of a lowered American posture and profile while living up to our treaty commitments clarifies very much.

The country and the world are slowly beginning to feel, after an initial sense of relief, the long range effects of the failure in, and withdrawal from, Vietnam. The Western Europeans are weighing and trying to judge what this kind of policy extended to the whole world will mean to them, and this possibly accounts for Harold Wilson's rather surly silence after the British prime minister's recent visit with President Nixon.

Nixon is trying to find some way, short of shattering all credibility in American protection, to shift a larger part of the costs and responsibilities of mutual defense to our allies. The process is a delicate one. It arouses uneasiness in small and relatively defenseless nations in Europe and Asia—most of these countries, by the way, have been of very little help to the United States in Vietnam and have difficulty in living up to their major treaty commitments.

More than this, however, the Nixon policy, whatever it precisely is, arouses intimations of a new American isolationism. This is reason enough for an examination of just what American defense commitments amount to and how they would be carried out in the modern world.

This doesn't necessarily mean that we should join former President Johnson in absolute alternatives of tearing up our treaties or carrying them out. It probably does mean a long and painstaking readjustment of treaty obligations beginning with the NATO agreement in line with our own capabilities and the capabilities of our allies.

This apparently is what President Nixon is doing, or if he is not doing it then the basis of his low-profile policy will not have the orderly form he usually likes. He has decided that the postwar policies are obsolete, but those policies are based on treaties and either the treaties will have to be revised or he will have to amend them unilaterally through public announcements and communication with heads of state.

The Senate Foreign Relations Committee would be better employed studying these treaties and commitments than in trying to repeal the Gulf of Tonkin Resolution authorizing the Vietnam intervention. The Senate cannot call off a war by repealing a resolution.

But the Senate can play a significant and desirable part by constructive study and analysis of the treaty commitments it has helped to make and of our present ability and purpose in fulfilling those commitments. The treaties were entered into with the concurrence of the Senate, and the Senate has every right to judge their applicability to present conditions.

It is regrettable that this has to be done in the atmosphere of hostility and recrimination adopted as an expedient political attitude by certain members of the Committee on Foreign Relations.

This atmosphere compares unfavorably with the kind of bipartisanship which created the postwar policy. The observer searches in vain for the statesmanship of an Arthur H. Vandenberg, the Republican who recognized the error of his isolationism and did something about it.

The present crop of neo-statesmen resorts to the language of street protests, adding "hoax" to the four-letter category in attacking a president who is trying to change American foreign policy. Such protest tactics will not get us far along on the road of a revised policy based on present realities and capabilities.

DISTRICT OF COLUMBIA HEARINGS HELD ON PROBLEMS OF CITY SPANISH-SPEAKING RESIDENTS

Mr. MONTOYA. Mr. President, the District of Columbia City Council recently held 2 days of hearings on the problems of the District's 50,000 or more Spanish-speaking residents. In the past few months I have become increasingly

distressed, through correspondence with Mayor Walter Washington and other representatives of the District of Columbia City Government, that little or nothing is known about the extent of these problems, which include inadequate health care, poor housing conditions, undereducation, and unemployment. Indeed, we do not even have a realistic estimate of the number of Americans comprising the District Spanish-speaking population, although estimates range from 30,000 to 75,000.

This group's special problems, arising from poor living conditions, discrimination, and language barriers, have finally been aired publicly before the members of the District of Columbia City Council, and I am hopeful that now some effort will be made to learn more about this particular community and what can be done to assist its residents.

I have stated my hope on more than one occasion that the District Government would create a unit within the Office of the Mayor designed specifically to represent the Spanish-speaking Americans of the District and to help them obtain information and aid available from the city. I understand that a number of other major cities have established similar offices. I was disappointed to learn that no funds have been proposed for this purpose in the recently released fiscal year 1971 budget for the District of Columbia. I am hopeful, however, that the need for such an office will be made clear during the forthcoming hearings before the District of Columbia Appropriations Subcommittees. As a member of the Senate Subcommittee on the District of Columbia, I look forward to hearing testimony on this proposal in the months to come.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD several recent newspaper articles from the Washington press about the city council hearings on the problems of the District Spanish-American community.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 15, 1969]

D.C. SPANISH MINORITY FINDS ALLY IN MONTOYA

(By Richard E. Prince)

Washington's Spanish-speaking residents, who recently have been stepping up their efforts to receive more attention from the District Building, have found a powerful ally in Joseph M. Montoya, a New Mexico Democrat and the only U.S. senator of Spanish descent.

Montoya took the opportunity Thursday, during the floor debate on the city's budget, to berate the city government for its failure to "do something about the reported disgraceful conditions which Spanish-speaking citizens face in this city."

He noted that he was a member of the Senate body that controls the city's purse strings, the Appropriations Subcommittee on the District.

Spanish-speaking residents came to Montoya's office after becoming dissatisfied with what their leader, Carlos Rosario, called "lip service" from the District Building.

Montoya, who successfully sponsored a Senate bill creating a "cabinet committee on opportunities for Spanish-speaking people" made up of cabinet members and federal officials concerned with reaching the poor, wrote Mayor Walter E. Washington to request a meeting with him.

"Until my testimony (on the Senate bill)," Montoya wrote, "the Congress appeared to be completely ignorant of the fact that the Spanish-speaking people of this country ranked at the bottom of the totem pole on education, employment, housing, poverty and all the other segments of our society.

"From what I have seen and from what I have been told, conditions for the Spanish-speaking in Washington, D.C., are no exception," he said.

The city is now drafting its reply to Montoya's questions.

The reply points to the mayor's proposal for seven neighborhood city halls, passed by the Senate Thursday, as "a positive first step in the direction of needed services," that would help "develop some effective machinery to give to neighborhoods direct contact with municipal affairs."

The city also notes that Rosario, who is chairman of the Committee for the Aid and Development of Latin Americans in the Nation's Capital (CADOLANCA), is on the Human Relations Commission.

The mayor also is trying to recruit a Vietnam veteran of Spanish descent to serve on the new mayor's committee on veterans affairs, the city says.

Montoya also backed the request of local Latins that the City Council hold hearings on Spanish problems as soon as possible.

A group of Spanish-speaking residents had met with Council Chairman Gilbert Hahn Jr., who scheduled hearings in March. That is too late, the residents say, for any money to be appropriated for them in the 1971 budget.

They and Montoya are asking that the hearings be held in January.

Montoya also told the Senate Thursday that the mayor should establish an investigating committee to report to the mayor and Congress on the problems of hunger, poverty, and unemployment among the local Latin population.

"Virtually no funds are being used by the District of Columbia government to aid Spanish-speaking citizens," Montoya said, "and yet, as we look to Arlington County, we find that an office has been specifically established to deal with the problems confronting the Spanish-speaking community."

Montoya said it was estimated that more than 50,000 to 70,000 Spanish-speaking residents live in Washington, 10 times more than are in Arlington County.

Rosario said the neglect of the needs of Spanish-speaking persons by the city has been long-standing. He said he approached the mayor two years about creating a liaison office between the city government and the Spanish community. The person assigned provided "zero service," Rosario said, and quit without being replaced. The request for the office is still under consideration.

The source of much of the Latins' discontent stems from a difference of philosophy on how to serve the Spanish citizens' needs.

The city apparently feels that the Spanish population can be served the same as other disadvantaged groups, while the Spanish feel they have special needs.

Rosario asked the mayor two years ago for a "concerted action program" for educating the Spanish residents about "how the government functions, where you can go, what you can do; something that will pay off."

Another part of the problem, from the city's point of view, is simply that there is a lack of information about Spanish people in Washington.

Montoya asked the city, in his Nov. 6 letter, for information about the size of the Spanish-speaking population, where they live, how many are in substandard housing, if most were citizens, their rate of unemployment, and educational attainment.

But the response from the District Building, and in part the reason for the delay, was that "we have tried to obtain some hard data on the questions you raised. . . . There is none available at this time. We do know that the unemployment rate is high; underemployment is also a serious problem."

Philip J. Rutledge, the mayor's assistant for human resource programs, noted that even the 1970 census, which asked people to designate whether they are Korean, Filippino or Indian, has no provisions for Spanish Americans.

He said, however, that he will be talking to various city department heads to determine what steps they can take to remedy their problems.

[From the Washington Post, Jan. 30, 1970]

COUNCIL LEARNS WHAT IT'S LIKE TO BELONG TO LATIN MINORITY

(By William Raspberry)

Members of the City Council had, like the rest of us, been vaguely aware that Washington has a substantial, and growing Latin American community.

But the reality of that community's existence, its problems and frustrations hadn't sunk in until Tuesday night's hearing, a hearing prompted more by the efforts of leaders of the Spanish-speaking community than by the City Council.

For four hours, council members heard a score of witnesses (fewer than half of those who had signed up to testify) tell what it's like to be a member of the city's newest major minority.

There were the obvious problems, of course; the difficulty of getting information or dealing with public agencies or getting along in school or with the police when you speak only Spanish and everyone else speaks only English.

Housing, as expected, was a frequently mentioned concern: how to find it when you don't know the city and don't speak its language; how to pay for it when you can't find work, and who to turn to for help.

But they also talked about the less obvious problems—employers who won't hire you if your English isn't good (no matter if the job doesn't require it); landlords who overcharge you because they know you can't do anything about it; native Americans who insult you by calling you by your first name, a privilege you prefer to reserve for those close to you.

Council members were puzzled when some of the young people complained that they didn't have their own playgrounds. Why not just use the playgrounds in the neighborhood?

"The other kids don't like us because they don't understand what we're saying," one youth explained. "This makes problems—you know, fights."

Others told of how the schools keep wasting their time making them study a foreign language when English itself is foreign for many of the Latinos.

There are few opportunities for Latin adults to learn English, and virtually no way to spread the word on what opportunities do exist.

While some of the problems came as a surprise to the council, there was no lack of understanding. The six Negro members of the nine-member council recognized most of the complaints as the same ones that Negroes had been forced to deal with in earlier days.

But if the problems are the same, the solutions are greatly complicated because of the language barrier.

Thus even those agencies, public and private, that are willing to help find it difficult to do so. There aren't many public-service lawyers who are fluent in Spanish; few public school teachers, even at Lincoln Junior High which serves the city's largest concentration of Latinos, are bilingual. The Human Relations Commission, which handles a variety

of discrimination complaints, has one staffer (Martin Norpell) who speaks Spanish "pretty well," but not even his co-workers are aware of it.

More to the point, the Latin community doesn't know about him.

Norpell remembers getting only one complaint from a Spanish-speaking caller, and that was pretty much by accident.

Pamphlets of public interest—job opportunities, meetings, health and legal services, bus schedules—are all in English and therefore meaningless to a large number of the estimated 35,000 to 75,000 Latin Americans. The police department, which has started to print some of its pamphlets in both languages, and the Red Cross, which has furnished some emergency help, are among the few agencies that have done anything at all.

Carlos Rosario, who has become the Latin community's chief spokesman, offered a broad proposal that included the establishment of a special bureau to handle the problems of the Spanish-speaking community.

One council member wondered if that would be a good idea. "You remember what the Bureau of Indian Affairs has done for the Indian," he said.

But specific proposals aside, Tuesday night's meeting made clear that the city has neglected its Spanish-speaking residents. There is a very good chance that something will be done about it.

And now that the City Council has discovered the Latin community, perhaps someone should pass the word along to the rest of us—particularly the schools and the press.

That might come up Saturday morning at 8 o'clock when the hearings resume.

[From the Evening Star, Jan. 28, 1970]

LATIN RESIDENTS TELL CITY COUNCIL OF TROUBLES

(By Constance Holden)

Spanish-speaking residents of Washington got their first hearing before the City Council last night, a confrontation which, judging from the size of the response, may have been long overdue.

The meeting, attended by more than 200 persons, was adjourned near midnight after fewer than half of the 50 persons who had signed up to testify had held the floor.

The problems they described were not new for an urban minority group—inadequate health care, housing, education and employment opportunities. But, as witness after witness testified, the keystone of their difficulties was the language barrier.

The hearing was called by Councilman Jerry R. Moore, who made a Jan. 16 tour of the Spanish-speaking area of Mount Pleasant. Estimates of the Latin community here vary from 35,000 to 75,000.

MAYOR'S UNIT URGED

Carlos Rosario, chairman of the Committee for Aid and Development of Latin American Nations in the Nation's Capital, presented the most detailed proposal of the evening, which involved setting up a Spanish-speaking affairs unit in the mayor's office.

The purpose of the committee, he said, would be to supply direct liaison between the mayor and the Spanish community, to design programs for it, and to inform residents of government aid and programs available to them.

Some members of the City Council objected to the idea of a separate agency on the ground that language was the only difficulty unique to Spanish residents.

Other speakers disagreed, saying the Spanish family- and religion-oriented culture made integration into U.S. society difficult.

For example, a teen-ager, Jose Cruz, said foreign-born students would have more successful school careers if they were treated to a bilingual orientation period before the school year began.

The Rev. Antonio Welty, a native of Colombia, painted in dismal terms the plight of a non-English-speaking person trying to deal with a government agency. He added that Spanish-speaking persons were particularly victimized in the area of housing, "like the black community of a generation ago," and recommended that housing aides and inspectors be bilingual.

"MOST NEGLECTED"

Many witnesses reflected the sentiment of the Rev. Jose Tuarbe, who called his people "the most neglected minority group in the District of Columbia."

Suggestions to bridge the language gap included the hiring of bilingual teachers in schools, an expanded drive to make English courses available to all who needed them, printing of notices and pamphlets of public interest in two languages, and the establishment of a central location to provide Spanish speakers with a wide scope of legal aid.

Hearings will continue at 8 a.m. Saturday in the council chambers.

[From the Evening Star, Jan. 28, 1970]

SPANISH-SPEAKING WASHINGTONIANS

SIR: I write to commend The Star for its January 12 article, "75,000 Spanish-speaking in D.C. Will Get a Hearing," which reports on the D.C. City Council hearings on the problems of these fine, hard-working, relatively crime-free people—a majority of whom are our friends and neighbors in this part of the city.

The Star's report on "Adelante" took us behind the scene to see how well one program aimed at underemployed professional Spanish-speaking citizens is working and found it working extremely well. We hope The Star will give us more such in-depth reports. Programs are being carried on, for instance, at the Spanish Catholic Center, the National Baptist Memorial Church and the Good Shepherd United Presbyterian Church, which would be of interest to your readers. All are located in this section of Washington.

Arlington, Va., New York City and Miami have established permanent offices to serve their large numbers of Spanish-speaking citizens, and these offices are staffed and directed by Spanish-speaking people. Such an office is needed in the District. Leaders in the Spanish community have said it should be set up in the Office of the Mayor. This seems to be an entirely reasonable request, and one which would be of great benefit and value at this juncture. If other cities have such offices why shouldn't this city?

In the 1970 census we will learn—for the first time—exactly what portion of District citizens is made up of Spanish-speaking and Spanish-surname Americans. President Nixon recently signed a bill, S. 740, into law which would establish a statutory "Cabinet Committee on Opportunities for Spanish-speaking People." Upon doing so he reaffirmed the concern of this government for providing equal opportunity to all Spanish-speaking Americans and the need to open doors to better jobs and the ownership and management of businesses to them, and to ensure that all government programs reach them.

I feel all Americans wholeheartedly support President Nixon in this regardless of party and will join together to provide to these recent and newest immigrants to our shores as much help as was given to those peoples who came here in earlier years.

JOHN JARBOE,
18th and Columbia Road Business Association.

[From the Washington Daily News, Jan. 28, 1970]

HELP URGED FOR LATINS HERE

(By Ronald Taylor)

The City Council last night was urged to form a special committee to work with the mayor on the problems of a Spanish-speaking community which "falls at the very bottom running of the priority scale."

Most of the witnesses told the council the problems of the estimated 50,000 Spanish-speaking residents here were similar to problems facing inner city residents.

"There is a wide gap between the council's reputation for compassionate leadership and the condition of the Spanish-speaking residents in the District," said Martin G. Castillo, chairman of the Cabinet Committee on Opportunity for the Spanish-speaking.

"The Spanish-speaking community falls at the very bottom rung of the priority scale when compared to other disadvantaged people in the city," Hector Rodriguez, of the Committee for Aid and Development of the Latin Americans in the Nation's Capital said before an overflow crowd of 450 jammed into council chambers.

Out of the 40,000 people hired last year by the city's 10 largest employers, Mr. Rodriguez said, only 0.6 per cent were Spanish surnamed Americans and only 1.3 per cent of the 5,325 professionals hired by those employers were Spanish-surnamed.

BI-LINGUAL TEACHERS

Mr. Rodriguez urged the council to "begin tomorrow" recruiting bi-lingual teachers for schools attended with large numbers of Spanish-speaking students.

His request was echoed by George Frain, administrative secretary of the 18th and Columbia Road Business Association, who said there has never been a Spanish-speaking teacher in that heavily Spanish-speaking area.

When the teachers see the students don't understand them "they speak louder. Speaking English isn't the answer," he said.

Arture Griffith, a young resident of the upper Columbia Road area, told the council, "There should be English taught as a second language. Learning a third language would be of no use to us."

INTERPRETER NEEDED

A State Department interpreter, on loan to the council, was needed when Mr. Griffith and his friend, Jose Cruz, testified. Mr. Cruz spoke only Spanish and Mr. Griffith lapsed into Spanish when he had trouble expressing himself in English.

Sen. Edward M. Kennedy, D–Mass., in a letter read by one of his staff aides, Mark Schneider, said he was "shocked to learn that very little information had been gathered by District government agencies on the size of the Spanish-speaking community or its needs.

"We will not benefit from their (Spanish-speaking immigrants) if the children stagnate in the school system because they cannot understand their teachers . . . nor when the women lack essential health services nor when the men are denied access to job opportunities," he said.

[From the Washington Post, Jan. 28, 1970]

D.C. COUNCIL HEARING AIRS ILLS OF SPANISH COMMUNITY

(By Paul Hodge)

Washington's 50,000 to 75,000 Spanish-speaking residents have the highest unemployment rate, lowest median income, worst housing and highest school dropout rate of any group in the city, the City Council was told last night.

These facts were brought out at a special hearing on the problems of Spanish speaking residents in the city.

More than 50 percent of the adult Spanish-speaking population cannot speak English and, therefore, lives in virtual "isolation" in the city, the Rev. Rutilie Riege, director of the Spanish Catholic Center at 16th Street and Park Road NW told the council.

He called on the city government to sponsor English language classes for both adults and school children. This city has failed to do

this on any significant level up to this time, Father Riego said.

The hearing followed requests by Spanish-speaking residents and Sen. Joseph M. Montoya (D-N.M.) to "do something about the reported disgraceful conditions that Spanish face in the city."

A member of the Senate District Committee, Sen. Montoya is the only Senate member of Spanish descent.

Speakers last night called upon the Council to establish a Spanish-speaking affairs unit under the mayor, hire bilingual school teachers and place bilingual employees in every department. They also called for English language classes on a large scale for adults and children.

Martin G. Castille, chairman of President Nixon's Cabinet Committee on Opportunity for the Spanish Speaking, questioned whether a largely black City Council will do as much for the Spanish minority as for the black majority.

"What's at stake here is whether opportunity for some will be achieved at the expense of others . . . whether we will prove wrong what the historians said, that there is no greater oppression than that practiced by a recently oppressed minority."

Castillo said there is a wide gap between the City Council's "reputation for compassion" and the conditions of Spanish-speaking residents in the District of Columbia. Spanish-speaking residents "need the reassurance of action," he said.

[From the Washington Post, Dec. 27, 1969]

OUR LATIN QUARTER

The cry for help from the city's growing Spanish-speaking population is being answered but quite evidently more needs to be done. Exactly how many Spanish-speaking persons live in the Washington area is not known. Unofficial and admittedly inaccurate estimates range from 30,000 to 70,000, with perhaps half the number lacking fluency in English. Most of them live in what is fast becoming a Latin Quarter with ethnic restaurants, food stores and even a motion picture theater offering Spanish language films. This "Spanish" community is concentrated in three adjacent neighborhoods, Adams-Morgan, Columbia Heights and Mount Pleasant, although there is also a small Spanish-speaking enclave in Arlington as well. Because of differences in language and culture, our Spanish-speaking neighbors feel isolated and confused, and a long way from what was home—Puerto Rico, or Cuba or elsewhere in Latin America as well as our own Southwest. Life here is hard for these transplanted people; many live in rundown housing, and suffer from a shortage of community facilities; the level of unemployment is believed high. These conditions are not unique for Washington, but the situation is aggravated by the language problem. Senator Montoya of New Mexico, the only member of the upper house of Spanish descent, has made the cause of the Spanish-speaking community his own and has pressed the city to identify the group's needs as a step toward meeting them. A hearing before the city council is scheduled for next month.

Meanwhile, the city has moved to improve communication between the Spanish-speaking group and the city government by adding a Spanish-speaking person to the city's Information and Complaint Center, by beginning a program to train 23 policemen in Spanish, and by adding Spanish community representatives to the Human Relations Commission, the Recreation Advisory Board and the Committee on Veterans Affairs. Pilot projects are being conducted at two public schools to help Spanish-speaking students and their parents adjust to the Washington environment. A request for funds for a bilingual teaching program in the so-called model schools division was rejected by HEW last year, but will be resubmitted and, we hope, approved this time.

The city lacks information on the community's exact population, its citizenship status, level of education, unemployment rate and housing conditions: a prompt effort should be made by the city's Human Relations Commission to find public or private funds to secure the data. It would help also if one person were assigned, either by the commission or the mayor's office, to serve as a primary point of contact for the Spanish community. New York City and Miami with large Spanish-speaking populations have provided such a resource and so has Arlington, and we would do well to follow their lead.

THE GI BILL—A SOUND INVESTMENT IN AMERICA'S FUTURE

Mr. YARBOROUGH. Mr. President, the soundest investment in America today is education. Every dollar our Government invests in educational programs comes back many times over in the form of taxes on the increased earnings of the people who receive advanced education.

One of the most important education programs we have is the cold war GI bill. This important legislation offers the over 6 million veterans of the cold war era and the Vietnam war the chance to obtain the education and training they need to compete in our complex society.

Unfortunately, participation in the GI bill education programs is far too low. The reason for this poor rate of participation is the low allowance rates that are paid veterans under this bill. To cure this problem, the Senate in October of 1969 passed H.R. 11959, which would increase these rates by 46 percent. This bill is presently in conference between the House and the Senate.

For those who think that this bill is inflationary and an unnecessary drain on the country's finances, I wish to direct their attention to a short item that appeared in the February issue of Government Executive magazine in which it is pointed out that the Government realizes a return on money it pays out under the GI bill of eight times the cost of the veterans education.

Mr. President, I ask unanimous consent that this statement entitled "GI Bill Pays for Itself," from the February issue of Government Executive, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GI BILL PAYS FOR ITSELF

The Veterans Administration spends $4,680 for 36 months of college for an ex-GI. With a college degree, Labor Department statistics indicate, a man will earn $541,000 in his lifetime, or $201,000 more than a high school graduate. He'll pay about $38,000 in income taxes on that extra $201,000—about eight times the cost of his education.

THE FLIMSY CASE AGAINST CARSWELL

Mr. GURNEY. Mr. President, on Monday, February 16, 1970, the Tampa Tribune ran a lead editorial by editor James A. Clendinen dealing with Judge Carswell. The editorial, entitled "The Flimsy Case Against Carswell," highlights some of the petty and frankly silly efforts that have been made to discredit Judge Carswell in recent weeks. Editor Clendinen, in his usual perceptive fashion, demolishes some of these futile muckraking excursions. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FLIMSY CASE AGAINST CARSWELL

Because of the importance of the office it is essential that nominees to the U.S. Supreme Court be thoroughly investigated by responsible agencies. This is true in the case of Judge G. Harrold Carswell of Tallahassee or any other nominee.

We cannot recall, however, that the background of any appointee to the Supreme Court or other high office has been so minutely sifted in a search for faults as has Carswell's.

Civil rights and labor forces have been the most energetic sifters. They have had help from liberal Senators and newspapers.

Since the most exhaustive probing of Carswell's finances turned up no suggestion of impropriety—but mainly the fact that he has to live on his salary—opponents had to look elsewhere for stones.

One rather desperate tactic has been to tie him to Ed Ball, the Florida financier, in hope of whipping up stronger opposition by organized labor. The hard-fisted Ball is toxic to labor unions because the Florida East Coast Railroad of which he is the largest stockholder has been on strike since 1963 and is running profitably.

Critics triumphantly produced an old newspaper clipping reporting that Ball, who also lives in Tallahassee, had attended a party at the Carswell home. They also made an attempt to read significance into Carswell rulings in an anti-trust case against a Ball company, but the record showed the litigants did not appeal the verdict in Ball's favor.

The latest move to discredit Carswell was a newspaper's "discovery" that Carswell's wife in 1963 acquired from her brother some waterfront property in Wakulla County which carried a whites-only ownership restriction. She sold the property three years later, with this and other restrictions remaining in the deed.

Anyone familiar with Southern land transactions knows that a similar restriction is to be found in the deeds of almost all subdivision properties, and that it is meaningless because the Supreme Court some years ago held such clauses unconstitutional. Despite that decision, many deeds still carry the restriction because of the legal complications of formally removing it. Long after the Supreme Court outlawed school segregation, for example, Florida's Constitution and laws still contained old segregation requirements. They were simply dead limbs, awaiting convenient pruning.

These wispy implications of bias, strung on a white supremacy speech which Carswell made as a political candidate 20 years ago and has repudiated, constitute the main case against him.

It is a case so flimsy that the Senate ought to brush it aside and confirm Judge Carswell with little debate.

NOMINATION OF JUDGE CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HARRIS. Mr. President, yesterday the Senate Judiciary Committee finished its consideration of the nomination of the Honorable G. Harrold Carswell to be Associate Justice of the U.S. Supreme Court and recommended approval of this

nomination. A minority of the membership of the Judiciary Committee voted against this recommendation and were given time to file a minority report.

Having considered this matter carefully, I must state that I do not agree with the action of the committee. I cannot vote to confirm this nomination.

In reaching this decision, I have been particularly impressed by the testimony of Prof. William Van Alstyne, of the Duke Law School, and by Dean Louis H. Pollak, of the Yale Law School. These men have carefully studied the judicial decisions rendered by Judge Carswell since he has been a member of the Federal judiciary. Based upon the record, Professor Alstyne, who, incidentally, supported the nomination of Judge Clement F. Haynsworth to be Associate Justice of the Supreme Court, has recommended against the confirmation of Judge Carswell, and Dean Pollak has said that his analysis led him to conclude that Judge Carswell "presents more slender credentials" than those of any other nominee for the Supreme Court in this century.

Based upon the testimony before the Senate Judiciary Committee, I do not feel that Judge Carswell has the kind of distinguished judicial record which is required for this important position, and I am concerned, on the record of his judicial decisions in such matters, about his judicial sensitivity in the basic and fundamental field of human rights.

As others have pointed out, President Nixon could easily find among the outstanding lawyers and jurists of America a good many men who are both residents of the South and strict constructionists of the Constitution who would not be subject to the objections which I and others have raised concerning Judge Carswell. That has not been done in this instance.

Appointments to the U.S. Supreme Court, unlike appointments to the President's Cabinet, for example, are for life. It is, therefore, essential and in the public interest that such appointments meet an exceptionally high test. This appointment does not do so and, accordingly, should not be confirmed by the Senate.

LITHUANIAN INDEPENDENCE

Mr. HARTKE. Mr. President, February 16 marks the 52d anniversary of the Lithuanian Declaration of Independence. It is particularly appropriate, in view of the dedication of the United States to the principles of freedom and self-determination, that we stand together with free Lithuanians all over the world, to commemorate the day when Lithuania was made an independent nation.

An ancient civilization, whose rich political, economic, and cultural heritage extends over nearly a millenium, Lithuania was established as a free republic on February 16, 1918, and recognized by the United States in 1922. For 22 years thereafter, the people of Lithuania enjoyed the blessings of liberty and domestic security under a democratic form of government. In 1940, despite the fierce resistance and resolute courage of its patriotic citizens, this small but proud nation was invaded and occupied by armies of the Soviet Union. Forced to surrender their traditional values and robbed of their basic freedoms, the Lithuanian people were subjected to a policy of systematic terror and political persecution that characterizes Communist rule wherever it is instituted. Following a period of brutal Nazi tyranny, during which the Jewish population of Lithuania was virtually exterminated, the Russian military forces returned in 1944 to reoccupy the war-torn nation. Since that time, in violation of international law and against the will of its people, Lithuania has remained incorporated into the Soviet state.

In the face of this oppression, the Lithuanians courageously continue the struggle for restoration of their fundamental human rights. The United States has consistently refused to recognize the illegal incorporation of Lithuania into the Soviet Union, and over the years has manifested warm sympathy for the Lithuanian cause of once again achieving freedom and self-determination.

On this occasion, I want to assure the people of Lithuania that America continues to support their just aspirations for liberty and independence, and I want to express my personal hope that the goal of Lithuanian self-determination will soon be realized.

"WILD RIVER"—A TELEVISION DOCUMENTARY PRESENTED BY THE NATIONAL GEOGRAPHIC SOCIETY

Mr. McGEE. Mr. President, I hope that many of the Members of this body had the opportunity recently to take in the television documentary "Wild River" presented by the National Geographic Society.

The film presented two notable ecologists, Drs. Frank and John Craighead, residents of Moose, Wyo., and their children. Washington Post critic Lawrence Laurent wrote of it in words that do justice to the film and to the subject, which is much more than the joys of riding white water, but the study of the ecology of the river and the creatures who depend on it.

I ask unanimous consent that Mr. Laurent's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TRULY FINE FILM

(By Lawrence Laurent)

School children all over the United States will be sitting in front of television sets tonight doing homework. They will be watching "Wild River," a one-hour documentary from the National Geographic Society (7:30 p.m., CBS, Channel 9).

Only four such specials are telecast each season. Tonight's is this season's third, and the 19th documentary since the National Geographic Society entered TV in 1965. By all odds, executive producer Robert Carr Doyle is entitled to make at least one program that is dull and disappointing. "Wild River," however, isn't that one.

This hour brings back to television the zestful, purposeful Craighead family. They were seen two years ago when the Geographic televised a study of their work on the grizzly bear of the American West.

Doctors Frank and John Craighead are twins who grew up in Chevy Chase, and were graduated from Western High School. Both earned doctorates in ecology. Each has three children, two boys and a girl.

Their association with the National Geographic began when they were 17 and had begun to study the hawks that nested in the cliffs at Great Falls on the Potomac.

That association with the Potomac is part of the story of "Wild River." Thirty-three years ago the Craigheads swam in the Potomac and drank from it. The present pollution of the Potomac and the Hudson River in New York is used as contrast for the clear, swift beauty of the Salmon River in Idaho.

Throughout the hour, narrator Joseph Campanella speaks writer Ed Spiegel's carefully documented words about the horrors of air and water pollution. The lesson, however is subtle, and it is overpowered by the fine color photography and the obvious joy that the Craighead family finds in the unspoiled wilderness.

The Craighead family sets out to tour the "Wild River" in kayaks and rubber rafts. John Jr., 14, has even mastered the Eskimo trick of flipping a kayak underwater and causing it to right itself.

For this energetic and handsome family, however, the trip is much more than just shooting rapids. Along the way they check the effect of pesticides on the endangered golden eagle, inspect the remains of a once lively mining town, study the life cycle of the salmon fly and forage for a meal of yampa plant, camas plant, fish, mussels, fresh water clams and rattlesnake.

Rattlesnake? Narrator Campanella says: "To the Craigheads, the rattlesnake is a prized catch to be added to the evening meal. It's a delicacy with the flavor of chicken."

After the month-long trip up the Salmon River, the Craighead family is seen in the Florida Everglades, visiting 80-year-old Dr. Frank Craighead Sr. He is trying to protect the wildlife in that threatened area.

"Three generations of Craigheads have fought for the wilderness," Campanella says. "They see it threatened and they wonder what will be left for those who follow?"

One thing that will be left is a spectacularly lovely film called "Wild River" that will be useful for years to come.

PRESERVE BIG THICKET'S ARTERIAL SYSTEMS BY CREATING A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, one of the most pressing issues of our time is that of protecting our natural heritage from despoilation and destruction. Growing numbers of individual citizens and groups are becoming aware of this threat to the delicate ecological balance in our dwindling areas of natural beauty and wonder, and are demanding action to preserve the remnants of our once unspoiled natural wonders. Support for the effort to establish the Big Thicket National Park in Texas is growing daily and I have received numerous letters of endorsement for my bill, S. 4, from these concerned individuals and groups.

Many articles about the Big Thicket have appeared in conservation and nature periodicals published throughout the Nation. One of the most thoughtful and pertinent articles published to date is one authored by my fellow Texan and fellow conservationist, Mr. Edward C. Fritz. Mr. Fritz proposes a plan whereby the lifeblood of the Big Thicket—its beautiful waterways—should be included in any plan for preservation of the Big Thicket for posterity. Mr. Fritz quotes the Izaak Walton League of America, which sup-

ports a Big Thicket National Park of 100,000 acres.

Mr. President, I ask unanimous consent that the article written by Edward C. Fritz, which appeared in volume 33 of the Izaak Walton magazine, Outdoor America, October 1968, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG THICKET NATIONAL RIVERWAYS

(At the Denver Convention a resolution was adopted as follows:

(Be is resolved, by the Izaak Walton League of America in convention assembled at Denver, Colorado, this 12th day of July, 1968, that support is hereby expressed for establishment of a Big Thicket national preserve of approximately 100,000 acres, based upon a plan which will preserve the most ecologically significant natural areas; create public riverway and recreational interconnecting corridors between the nature preserves along the Neches River, Village Creek and Pine Island Bayou; and which would establish a national wildlife refuge in a selected area of the Big Thicket now operated by the Army Corps of Engineers.—ED.)

(By Edward C. Fritz)

Three streams and their tributaries comprise the arterial systems of the Big Thicket, frame the local culture, and provide environmental corridors which, interconnected, can survive centuries of surrounding urbanization. The Big Thicket federal plan should utilize these streams as the basis for a riverways preserve, elaborating upon the Ozark National Scenic Riverways. Such a plan would provide a string for the ecological pearls which the National Park Service study team wisely suggests for preservation, but unwisely leaves scattered and unbuffered against urban sprawl and rural blight. By utilizing the distances up and down these unspoiled streams, the planners of the Big Thicket preserve can provide a true wilderness experience which will otherwise be severely restricted.

The clean, iron-colored waters of the Neches River, Village Creek, and Pine Island Bayou have penetrated the sandy loams of the Pliocene Age, have shaped up a rich base for the tall forests of the Big Thicket, and have continued to soak and to drain these forests for thousands of years.

Ducks, geese, hawks, wading birds, and exotic anhingas use the Neches as a flyway during migration. Herons abound here. Prothonotary warblers dart along the brushy banks, flashing brilliant yellow-orange. The endangered ivory-billed woodpecker courses the river bottoms. and occasional bear, panther and red wolves follow the streams because dreaded man seldom resides near the flood-prone and mosquito-infested sloughs along these streams.

These three watersheds have also nurtured the development of a special brand of human society—as proud and unconforming breed of men and women who boated up the Neches and San Jacinto and adapted the hill-folk culture of Kentucky and Tennessee to the lower, flatter, and more slough-riddled river bottoms. Some of these people along these Thicket streams still live in the old clapboard houses and wear sunbonnets and Mother Hubbard dresses as they weed their tomato patches.

Just as early settlers used the Neches and Village Creek for transportation, modern adventurers choose these seldom-bridged, smoothly-sliding currents for float trips, camping overnight on broad, clean sandbars far from civilization.

As a unique natural region, the Big Thicket has been reduced by development and timber-harvesting from three million acres to perhaps 100,000 acres of climax forest and two million acres of transition forest growth, owned mainly by lumber companies. The region still contains samples of the four main climax vegetative combinations: closed-canopy lob-lolly-pine-beech-oak-magnolia forest; longleaf pine savannas; sphagnum and pitcher-plant bogs; and gun-oak-cypress swamps. There is also a unique giant palmetto flat. To preserve these types, a National Park Service study team in 1967 recommended nine areas for a 35,500 acre National Monument. True to National Park and Monument standards, none of these areas includes any of the numerous pipelines, oil fields, highways or towns which spot the region. The areas are scattered around a huge circle seventy-two miles in diameter. By driving two hundred miles along existing roads, through towns and past lumber mills and junk yards, a tourist could get a glimpse of each of the nine areas. Only one elongated unit, labeled the Profile Unit, reflects the modern environmental-corridor concept of land-use planning.

In nature, the Big Thicket ecosystem is not that disconnected. All four main vegetative combinations occur on each of the major watercourses, in some instances along a twenty-mile transept. In selecting prime areas, the National Park Service study team sacrifices contiguity. And in selecting scattered areas, the study team substantially over-looks the potentiality which exists for long float trips and long scenic trails, as well as for comprehensive environmental planning.

In a better plan we can follow the study-team recommendations for prime areas, can add scenic trails and float trips, and can achieve contiguity of area, with the great advantages flowing therefrom. This will require use of more land and water than the study team has proposed. But not all this land and water need be purchased by the federal government.

The Neches River, Village Creek and the lower part of Pine Island Bayou are navigable and thus the riverbeds already belong to the public, and could be utilized in a Riverways plan without acquisition cost. Major lumber companies own a great deal of the land alongside these streams and might agree to federally-constructed hiking trails, under appropriate regulations as to fire-building. Even the Parks and Wildlife Commission of Texas, which thus far has shown little interest in state parks for the Big Thicket, might be influenced to participate in a comprehensive plan.

As a recreational area, the Big Thicket would afford a distinct supplement to other areas under National Park Service jurisdiction, in that the hiking, canoeing and camping would be comfortable in the winter, except during rainy days and rare cold snaps. In water, the bottomland forests, carpeted with oak and magnolia leaves, have a special beauty—the logs and soil abound in a tremendous variety of color-patterned fungi, mosses and Christmas ferns, while resurrection ferns and Spanish moss decorate many limbs. There are lilies which bloom in December. Wintering birds are numerous.

Spring comes earlier than in any national park except Everglades, bringing trillium, azaleas, dogwood and some orchids in March and early April.

During floods, which generally occur in the spring, substantial areas along the streams are inundated. Roads become impassable to ordinary passenger automobiles, but hiking trails could be routed, by use of alternates, to remain traversable at virtually all times.

Thus a Big Thicket proposal which features recreation, as well as preservation, would draw out-of-state nature lovers during a season when northern parks are seldom visited, spreading time-wise our national recreation supply.

An area much larger than 35,500 acres will be necessary to service the winter rush to the Big Thicket. Such a plan has been proposed by more than ten conservation organizations in Texas, and nationally by the Citizens Committee on Natural Resources. Note that this plan does not cover the western extension of what was once the Big Thicket. The U.S. Forest Service runs some of this, and is preserving a Big Thicket Scenic Area in Sam Houston National Forest, about thirty miles west of the westernmost unit proposed below. The forest products industry has suggested that the federal government trade national forest lands for any lumber company lands to be taken for a Big Thicket preserve. Conservationists are agreed that such a trade would have no merit, and would merely be robbing Peter to pay Peter.

Here is the proposal of conservationists for a Big Thicket National Riverways:

1. Neches River (from Dam B in Tyler and Jasper Counties to the confluence of Pine Island Bayou at the Jefferson County Line): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of the river. Limit to highly selective forestry and to repair of existing structures all use and development in a zone up to three miles on each side of the river. Construct a foot-trail down one side of the river, with rest stops about every five miles along the trail, accessible also to boaters. Prohibit the use of motors on boats.

This unit would include for total preservation the Neches Bottom Unit and Beaumont Unit proposed by the National Park Service Study Team.

2. Village Creek (from headwaters, also known as Big Sandy Creek, in Polk County, to the Neches River in Hardin County): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of creek. Erect campsites about every ten miles. Prohibit the use of motors on boats.

This unit would include the upper part of the NPS-proposed Profile Unit.

3. Pine Island Bayou (from headwaters in northwest Hardin County to confluence with Neches at Jefferson County line): Prohibit further construction, farming, grazing or timber-cutting within a zone about ¼ mile wide on each side. Construct a foot trail the entire length of stream.

This unit would include the lower part of the NPS-proposed Profile Unit, and would connect with the initially-proposed Lob-lolly Unit by the dirt road through that unit, and a half-mile of forest on both sides of such road.

5. Connecting Units (Prohibit cutting or development for ¼ mile on each side of each trail):

a. Menard Creek: Construct a trail from upper end of Pine Island Bayou to Menard Creek, up Menard Creek, and across to Big Sandy-Village Creek at closest point.

b. Little Cypress Creek: Construct a trail from upper end of Village Creek Unit to Little Cypress Creek Unit, down Little Cypress and then Big Cypress Creek to a point nearest Theuvenin's Creek, and thence overland to Theuvenin's Creek. This unit includes NPS-proposed Little Cypress Creek longleaf pine forest.

c. Theuvenin's Creek: Construct a trail up Theuvenin's Creek and then overland to Beech Creek.

d. Beech Creek: Construct a trail down Beech Creek through NPS-proposed Beech Creek Unit, thence overland eastward to the Neches.

6. Little Pine Island Bayou Unit: In entire triangle between Roads 770, 105 and 326 in Hardin County north of Sour Lake, manage the 50,000 acres for preservation of all indigenous plant and animal species, through rigid selectivity of timber and game harvesting. Reintroduce panther, black bear and red wolf.

This plan would utilize more than 100,000 acres. Much of this acreage should be kept in private ownership under easement to the federal government for trail and scenic purposes. Hunting could be permitted on all areas except those set aside for ecological preservation such as the NPS-proposed units.

In addition, other units should be considered for the Big Thicket plan:

7. Other areas recommended by NPS study team: The Riverways approach would not connect Clear Fork Bog, Hickory Creek Savanna, and Tanner Bayou. These should be preserved even though unconnected.

8. Dam B.: Transfer all U.S. Corps of Engineer lands to the U.S. Division of Wildlife Refuges. (Ivory-billed woodpeckers have repeatedly been sighted here).

9. Pioneer Community Historic Area (between Beech and Theuvenin's Creek off Road 1943 in Tyler County): Establish a state historic area encompassing communities of pioneer farms, dwellings, mills, adjoining the Beech Creek trail.

Any lesser program, although temporarily helpful, would fail to fulfill the long-range National Park Service objectives of resource management, including not only natural areas but also recreational and historical. Likewise, any program which fails to provide economic and political protection to long stretches of streams would result in deterioration of the ecosystem through pollution, manipulation, erosion, drainage, and silting.

Human pressure on the Big Thicket is escalating. Timber is being harvested at an ever-increasing rate, particularly for pulp. Local small businessmen are clear-cutting stand after stand of forest to construct commercial buildings with sprawling parking areas. Rice farmers are responding to U.S. Soil Conservation offers of vast drainage projects, including the Pine Island Bayou watershed. River authorities are proposing more dams. Week-enders from burgeoning Houston and Beaumont are pouring into the woods and buying the cabin sites which developers are pushing for homes away from home. There is no zoning, no plan. The backward local communities do not even have adequate city parks for their own populations, nor adequate pollution control programs to protect areas downstream.

Unless the federal government enters this area with a plan which is comprehensive enough to protect upstream and downstream areas, even the ecological pearls will be isolated from their sources of clean water or even any water, and their channels of roving animal life.

Since the NPS study team advanced report came out in May of 1967, the major lumber companies have admirably refrained from cutting into the NPS-proposed units. However, they have cut right up to the edges in some places. And they have cut some stands along the Neches River where the conservationist-proposed trailway would now have to pass through dead logs and stacks of dried-up slash.

In May of 1968 I inspected areas where lumber companies had almost clear-cut the timber as close as twenty feet from the west bank of the Neches. In at least one place, a major company had felled all the cypress along the shores of a once-beautiful ox-bow lake about a hundred yards from the Neches and had left large logs and piles of limbs and timber-tops stacked helter-skelter across the lake where hikers could have enjoyed a scenic view.

Even the areas which lumber companies have long preserved for hunting by guests and lessees are in danger. At least one lessee of a hundred thousand acres is advertising plans for housing developments on wild areas along the Neches.

Congress should move immediately toward enactment of a Big Thicket bill. A National Riverways plan is the best approach, but if the disconnected pearls can be authorized before the Riverways can be planned, Congress should proceed with the pearls immediately, while continuing to develop the Riverways plan.

PRESIDENT NIXON TAKES ANOTHER HISTORIC STEP IN ARMS CONTROL: BANS TOXIN WEAPONS

Mr. GOODELL. Mr. President, in banning toxin weapons from this country's weapons arsenal, President Nixon has moved to eliminate a terrifying possibility that this country would ever resort to spreading disease for military advantage.

This step in unilateral arms control is more than significant, it is historic for it in effect eliminates a danger to civilization and a horror against humanity.

The President's decision to ban the production and use of toxins for military purposes—regardless of toxin origin; that is, regardless of whether toxins are biologically produced or produced by direct chemical synthesis—has further served to unravel the hodgepodge in toxin weapon classification which has developed over the years in the U.S. military establishment.

In 1964 the Joint Manual of the Departments of the Army and Air Force on Military Biology and Biological Agents listed "toxins" under the heading "Microbiology Applied to Biological Agents." Toxins were so listed, according to the manual, as indicated below, "as a matter of convenience":

MILITARY BIOLOGY AND BIOLOGICAL AGENTS

MICROBIOLOGY APPLIED TO BIOLOGICAL AGENTS

The military application of microbiology concerns only those microorganisms which may be deliberately employed in weapon systems to cause disease or death to man, animals, or plants, or to cause deterioration of materiel. Certain chemical compounds that affect plant life, as well as toxins, may be used in chemical weapon systems and are included as a matter of convenience. These are grouped as shown below for discussion purposes, and they will be considered in this manual along with vectors of disease.

a. Microorganisms. Bacteria, viruses, rickettsiae, fungi, and protozoa. Throughout this discussion, emphasis will be placed on certain groups of microorganisms which might be used as potential antipersonnel, antiplant, and antianimal agents. Although protozoa and other groups such as algae commonly occur, they presently have little military significance for use in weapon systems. Characteristics and properties mentioned under the general term "microorganisms" will refer to bacteria, rickettsiae, fungi, and viruses unless otherwise indicated.

b. Toxins. Poisonous products of microorganisms, animals, and plants. Toxins that may be used in a weapon system are considered to be chemical agents.

c. Vectors of Disease. Arthropods (insects and acarids) and other animals.

d. Chemical Antiplant Compounds. Plant growth regulators, herbicides, weed killers, defoliants, and desiccants.

SOURCE.—Department of the Army Technical Manual/Department of the Air Force Manual TM 3-216/AFM 355-6 (Departments of the Army and the Air Force, March 1964).

In 1965, the joint manual omitted "toxins" from the biological agent classification.

In 1968, however, the Joint Chiefs of Staff recognized that for certain regional organizations, such as SEATO and CENTO of which the United States is a member, "biological warfare" included the employment of "toxic biological products."

For the United States, then, in 1968, "toxins" for military purposes were not considered "biological agents," but they were considered as weapons in "biological warfare."

In 1969, the United Nations Report on CBW added another dimension to the classification of "toxins." The report stated:

Because they themselves do not multiply, toxins, which are produced by living organisms, are treated in this report as chemical substances.

Now, with President Nixon's February 14 decision to outlaw toxin weapons—regardless of biological or chemical classification—this country's policy on disease-producing weapons has been moved from a confused, inconsistent policy to a clear, concise policy.

Today, the policy of this country is a total renunciation of disease-producing weapons. The United States will confine future research on toxins to defensive purposes only, such as, immunization and medical therapy.

Mr. President, last summer when Congress succeeded in placing a number of restrictions on chemical and biological weapons, I urged a total ban on disease-producing weapons. I said then:

I look forward to the day, when the United States will eliminate the means by which civilizations of the world could plunge into the abyss of epidemic and mass death. I urge today, that we fight germs with medicine; not with germ weapons. Medical protection against germs is reasonable, it is sane. To protect against germs with germ weapons is folly; it is madness.

Deterrence with defensive equipment, such as gas masks and vaccines, is more reasonable than the deterrence offered by military science and by hardware which places gas and germs in grenades and in nuclear warheads. Deterrence with defensive equipment has the added advantage of beneficial "spin-offs" for peacetime medical applications gained by gas and germ research. It is still unclear to me *why* medical research of this kind is done by the Defense Department when such research can be done by the Public Health Service.

Deterrence with weapons has the negative side effect of arms race competition with other nations or indeed, with our own self. Unilateral armament may be the net effect, or perhaps is the goal of our CBW program. Still, we cannot ignore our contributions to proliferation of CBW throughout the world.

With President Nixon's February 14 decision, the day for dismantling all our disease-producing weapons has come and this day is welcome.

I ask unanimous consent that the statement from the White House announcing the ban on toxin weapons be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE WHITE HOUSE

On November 25, 1969, the President renounced all offensive preparations for and any use by the United States of biological or bacteriological agents and weapons in war. Since that decision, at the direction of the President, a comprehensive review of United States policy and military programs concerning toxins has been in progress.

Toxins are chemical substances, not living organisms, and are so regarded by the U.N. Secretary General and the World Health Organization. Although the effects of some toxins are commonly described as disease, they are not capable of reproducing themselves and are not transmissible from one person to another.

However, the production of toxins in any significant quantity would require facilities similar to those needed for the production of biological agents. If the United States continued to operate such facilities, it would be difficult for others to know whether they were being used to produce only toxins but not biological agents. Moreover, though toxins of the type useful for military purposes could conceivably be produced by chemical synthesis in the future, the end products would be the same and their effects would be indistinguishable from toxins produced by bacteriological or other biological processes. Accordingly, the President has decided that:

The United States renounces offensive preparations for and the use of toxins as a method of warfare;

The United States will confine its military programs for toxins, whether produced by bacteriological or any other biological method or by chemical synthesis, to research for defensive purposes only, such as to improve techniques of immunization and medical therapy.

The President has further directed the destruction of all existing toxin weapons and of all existing stocks of toxins which are not required for a research program for defensive purposes only.

The United States will have no need to operate any facilities capable of producing toxins either bacteriologically or biologically in large quantities and therefore also capable of producing biological agents.

These decisions have been taken with full confidence that they are in accord with the overall security requirements of the United States. These decisions also underline the United States support for the principles and objectives of the United Kingdom Draft Convention for the Prohibition of Biological Methods of Warfare.

The United States hopes that other nations will follow our example with respect to both biological and toxin weapons.

The renunciation of toxin weapons is another significant step, which we are willing to take unilaterally, to bring about arms control and to increase the prospects of peace.

CRIME FIGHTING FUNDS MISUSED

Mr. HARTKE. Mr. President, I wish to bring to the attention of the Senate a report released today which deals with a problem of the utmost concern to all of us—the problem of crime. Prepared by the National League of Cities and the U.S. Conference of Mayors, this report is entitled, "An Examination of State Planning and Dollar Distribution Practices under the Omnibus Crime Control and Safe Streets Act of 1968." As the title of the analysis indicates, it constitues an examination of the procedures used by the various States in distributing funds received by them from the Law Enforcement Assistance Administration—LEAA—of the Justice Department under title I of the Omnibus Act.

The manner in which these funds are distributed has been a matter of long-standing concern to me and I have introduced legislation—S. 3171—which would alter the distribution formula in the case of those States which do not pay especial attention to the needs of their urban centers where the incidence of crime is the highest.

I am pleased to report that the conclusions of this study would appear to support the thesis that title I of the Omnibus Act, as it is presently written, does not guarantee that an appropriate percentage of Federal crime fighting funds will find its way to those metropolitan areas where the rate of crime is the highest.

I ask unanimous consent that the full text of this study be printed in the RECORD following my remarks.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?

(An Examination of State Planning and Dollar Distribution Practices under the Omnibus Crime Control and Safe Streets Act of 1968)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by Presidential Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commissions on the Causes and Prevention of Violence, reported in December of 1969:

Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history.

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan area. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1968 signalled the beginning of a major new federal grant effort to aid in solution of the urban crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channeled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channeled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be available to units of general local government or combination of such units for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative. . . ."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve

the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed.

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: . . . "the failure of those states having large metropolitan areas where from 25% to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under the Act is to be used by other than local governments, LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in state plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independence existence because of the subsidy provided from Safe Streets funds. Also state programs often support separate regional training academies and development of new independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cties in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and often times result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvement of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed 2 new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program: (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibly.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have

little demonstrated commitment to aiding the solution of urban problems.

The following specific program modification are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give states incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs: to demand that states give proper recognition to needs and priorities of urban governments in development of state plans; to prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments; to assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

Study background

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

Local representation

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

Funds for local planning

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a $5,000 base grant to each region. The result: rural regions received twice as much per capita in planning funds as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in $2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

The impact of regionalization

Involvement of individual cities and counties in the planning process has also been severely limited by state imposition of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350–400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission.

Though regions are theoretically established to represent local interests, the ICMA survey indicated that 45% of its 637 reporting cities did not believe that regional planning oeprations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South

Carolina. One comment from South Carolina noted:

The state of South Carolina has been divided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a "planning commission" to plan under this Act.

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local policy officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocations, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic.

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds or expenditures in developing plans or individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USCM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon state law enforcement planning systems."

NLC and USCM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of region is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completley independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

Limited local participation

The final result of these difficulties in the state planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committees ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

PLAN RESULTS

Priority structure and program impact

The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more strident critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USCM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural and suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in in-

dividual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Verment League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the communications system: "But, that's what the governor wants." Kansas planned to retain $30,000 from the local share of action funds to establish a training academy though the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the State plan. The only projects for which Toledo could apply for assistance under the fiscal 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received $21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia:

The state's number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas.

Denver, Colorado relating their dissatisfaction with program allocations stated:

The action program of Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc.

Boulder, Colorado—the fifth largest city in the state—did not fare much better:

Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program requests were rewarded with evaluations of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970.

Where did all the money go?

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilities. Los Angeles, California has been placed in a subregion of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rurally dominated law enforcement planning region has received only $188 of over $54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board. When time came for allocation of action dollars, Houston received a grant for $126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Streets dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most state Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted:

Under the present system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds.

Essentially the same problem was recognized by Boulder, Colorado:

Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs.

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated:

Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers.

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communication networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was

frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list. The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than $10,000 in federal assistance, and 16 provided under $4,000 with one providing $450 and another $555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than $10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of $1,321,348 of which only $457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

Fund allocation patterns

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (The vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers.

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to $25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from $500 to $1000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split $28,635 in federal aid into 32 subgrants ranging from $395 to $2,500 to provide basic communications equipment.

Alabama planned to use $64,167 to establish seven regional training centers to provide basic training and proposed to divide another $94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling $186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than $750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over $2,900,000, received $188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received $1,650 for an infra-red Varoscanner with accessories, $1,275 for a surveillance camera, and $2,400 for basic radio equipment. A rural county with a population of 38,600 and total police expenditure of $197,000 was granted $18,000 for basic radio equipment, and another rural county of 33,300 population won $15,100 for a probation services program.

In Oregon, $45,000 was allocated in $5,000 base grants to 9 rural regions. A two county rural area with 31,800 population and an annual police budget of $213,000 received a base grant of $5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over $13,000,000 received only $89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately $1,000,000 received $5,000 while a rural county with 16,483 population and annual police expenditures of $12,000 received $22,236 for a basic communications system. The city of Philadelphia was allocated $207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately $2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately $120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region within itself and is assured of receiving one-third of the local share of action funds, or about $2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah, Georgia with 150,000 population and an annual police budget of $1,500,000 will receive $132,000 while a rural community of 7,000 population and annual police expenditures of $24,000 will receive $8,400 for basic communications equipment and an additional $5,000 for hire a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive $350,000 out of the state's total allocation of $1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

Red tape and delay

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1969. Over $500,000 remained to be allocated in sub-grants from the local share of the state of California's $2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only $13,500 out of its $34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston has indicated that they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c) After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state staff services. In the nine months from November 1968 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada faced major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regionl structure noted:

A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. I each case there is a possibility the action grants will be denied.

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

Administrative costs

Some has to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than $15,000 which was worth the effort. The city of Boston decided to turn down one grant of nearly $10,000 which had been offered to it because of heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding $21,830 out of the city

of Boston's $31,830 allocation from under the special civil disorders program announced in August of 1968 because of the city has been unable to comply with reporting requirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

1. A schedule of classes to be conducted including time, place and subject;

2. Lesson plan outlines for all classes to be conducted; and

3. Qualifications summaries of all instructors to be utilized.

With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected.

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookkeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as $75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of $112 for drug abuse education and another $89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

Duplication of effort

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among the individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: ". . . the heavy emphasis in many of the state 'action' grant proposals on 'study' ". Professor Subin continued ". . . It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon "comprehensive studies" contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs:

Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort, substandard instruction and a training in self-defeating setting.

Loss of local control

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channeled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House sensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation or part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local applications to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

In Maine, the Director of the State Law Enforcement Planning and Assistance Agency, facing numerous complaints from local officials about a new plan for allocating the local share of planning funds, sent a strongly worded letter to directors of regional planning agencies claiming for the state ultimate and complete decision making authority on matters relating to interpretation and administration of the Safe Streets Act as it applies to local governments. The letter noted: "I cannot emphasize enough to you regional planners that it is the state agency that is administering this Act and it is the state agency that interprets whether there is need for waivers and everything else having to do with this particular legislation."

This trend for the state to assume for itself a greater share of power over planning and operation of criminal justice programs at the expense of local government is surfacing in many states. The Tennessee plan called for the state to establish mandatory minimum standards for the qualifications and training of police officers and proposed that the state set a basic scale for police salaries and benefits for all local governments. But the plan contemplated no state support for the substantial costs which would be required of local governments to meet the standards. The Tennessee Municipal League indicated that implementation of the plan would mean almost complete transfer of local police personnel administration authority to the state while cost responsibility would have been left with the local governments. The result of such transfer would be severe limitations of local government capacity to control its police and growth of police forces unresponsive to the needs and problems of local citizens. Observing the standards proposed for state imposition, the Executive Director of the Tennessee Municipal League warned:

Once an assumption is made that municipal governments do not have self-governing capabilities in such areas as personnel administration, then there is really no stopping point except a complete transfer of authority to the state.

In addition to Tennessee, plans of at least four other states, Delaware, Mississippi, Missouri and Wisconsin proposed that substantial new mandatory standards be imposed on local police departments, and several other states suggested that existing controls be broadened.

States also assumed substantial direct and indirect control over local criminal justice planning operations in a number of instances. A Boston, Massachusetts official noted that the state kept the city planning process "off balance" through use of guidelines, grant conditions, deadlines, reporting requirements and heavy demands for detail. The end result for Boston was that, "at every level of the program the state is putting on so many conditions that it is becoming more their program than ours."

The potential for over-concentration of power at the state level was noted with concern in a review of the state plans conducted for LEAA under sponsorship of the National Sheriffs Association.

There seems to be a distinct trend to a centralized rather than a local approach to most of the programs in the studied categories. Without adequate justification, study and careful planning for this approach, it might be claimed that a number of state "monuments" were being built.

The centralization of power at the state level under the Safe Streets program at the

expense of local governments is at cross purposes with goals recently stated by the President and Congressional leaders to establish a flow of power and responsibility back to citizens at the local level. If the trend established by the Safe Streets program toward concentration of power at the state level continues, the capacity of local citizens to control those government operations which most directly affect their daily lives may be seriously compromised.

The role of LEAA

The Law Enforcement Assistance Administration, to date, has not assumed any major responsibility to require that states deal fairly with local governments and concentrate crime control dollars in a manner which will be most effective. In large part, this is due to the mandate of the Safe Streets Act itself which directs that LEAA have only limited oversight functions regarding state use of funds. As Mr. James Spady, Executive Director of the State Law Enforcement Planning Agency in New Jersey related to a meeting of the New Jersey State League of Municipalities: "No matter how good or how bad your plan is (as long as it gets a "passing" grade) you get your population percentage share." In the first year plans, the passing grade required by LEAA was not very high. Further, LEAA has not been very forceful in following up on those actions it did initiate to protect the interests of local government and assure more effective use of crime control funds.

On April 5, 1969, soon after the National League of Cities had issued its critical report on allocation of planning funds under the Safe Streets Act, LEAA sent a directive to the state planning agencies urging that local governments be allowed greater involvement in decision making regarding law enforcement planning effecting them and that major urban areas receive a greater priority in allocation of funds. In June of 1969, LEAA administrator Charles H. Rogovin, told the annual meeting of the U.S. Conference of Mayors: "We have made it clear—and will continue to do so—that special attention must be given by the states to areas with high crime incidence." Apparently the states did not listen to LEAA's directives. By August of 1969, LEAA in reviewing the state plan was forced to conclude that most of the plans had not taken into account the special conditions and problems of the major urban high crime areas. More recently, local officials meeting with NLC and USCM staff in Washington generally agreed that the memo of April 5, 1969, has been completely ignored by the state planning agencies. And there has been some indication that the memo is even being ignored by LEAA itself. At one point in discussing regional planning units, the memo states "It is particularly important, where new regions have been established by states or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned." Despite this statement, LEAA on January 15, 1970, approved a regional planning structure established by the state of Maine in disregard of the stated preference of many localities and the state organizations representing mayors, town and city managers, police chiefs and county sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the planning structure being imposed by the state.

It is also a matter of concern to NLC and USCM that despite LEAA's recognition that the 1969 state plans generally did not take into account the special problems of major urban high crime areas, LEAA, on February 2, 1970, approved allocation to the states of ½ of their share of fiscal 1970 funds to be spent according to the 1969 plans deemed inadequate by LEAA.

Funding problems

In addition to difficulties created by state administration, problems incident to raising the local share of program costs were also noted at a number of points. The Arkansas plan stated that local government capacity to put up necessary matching funds for the program was a "bold presumption."

Some cities lost funds because they were unable to provide the local matching share from their budgets at the time that state funds were made available. The city of Salisbury, Maryland noted:

"Our only offer was received in June just prior to the end of the fiscal year and, therefore, we were unable to consider the offer as the city funds had already been obligated for fiscal year 69 and it was impossible to purchase capital equipment."

The city of Arvada, Colorado noted a similar problem:

"Many of the cities and counties can take advantage of the planning funds whereas the action funds generally require a higher percentage of funds which have not been available to the jurisdictions under the present budget."

A predicament faced by many communities was cited by Indianapolis, Indiana, where the city council makes appropriations for each year in August, but the city was unable to determine the funds it would receive and thus the matching share required at that time. With the small amount of money available from fiscal 1969 funds, Indianapolis was able to scrape together sufficient dollars to provide its share of matching costs. However, problems were anticipated for fiscal 1970 and future years when a larger amount of dollars will be available and a larger matching contribution required.

Many local officials have expressed concern that some localities will face great difficulties in providing the 40% matching funds required by the Act as larger amounts of assistance become available. This concern is particularly marked among officials of larger cities which have placed severe strains on local resources to substantially increase police budgets in recent years. The Philadelphia police budget, for example, jumped from $30 million in 1960 to $70 million in 1970. The cities over 100,000 population are currently paying nearly $1.5 million for police services, better than 55% of the costs of police protection paid by all local governments. These cities hope to receive substantial assistance under the Safe Streets Act, but may have difficulty participating if they must come up with 40% of project costs in addition to maintaining the heavy expenditure increases for police services they have budgeted in recent years.

Several city officials noted that because salaries comprise from 80% to 90% of local law enforcement budgets, the provisions in the Act which limit the amount of assistance that may be provided for salaries impede local capacity to plan realistic improvements and result in overemphasis on equipment in law enforcement plans.

Kansas City, Kansas stated:

"While we agree that the program must encourage new approaches and cannot be merely a means by which cities increase salaries of their existing force, we have found in attempting to develop applications that the one-third limitation is completely unrealistic."

APPENDIX A

(Participants in NLC and USCM task force reviews of the Safe Streets Act January 20 and 22, 1970)

John Craig, Inspector, Philadelphia Police Department, Philadelphia, Pa.

E. H. Denton, Assistant City Manager, Dallas, Tex.

Richard Devine, Administrative Assistant to the Mayor, Chicago, Ill.

Raymond Duncan, Administrative Assistant to the Mayor, Jacksonville, Fla.

W. F. Dyson, Chief of Police, Dallas, Tex.

Richard E. Eckfield, Washington Assistant to the City Manager, Dayton, Ohio.

Winston E. Folkers, Director of Community Development, Toledo, Ohio.

Picot Floyd, City Manager, Savannah, Ga.

Ken Gregor, Assistant to the Mayor, Atlanta, Ga.

Thom Hargedon, Assistant to the Mayor, Boston, Mass.

William B. Harral, Assistant Director, Pennsylvania League of Cities.

Mark Helper, Administrative Assistant to the Mayor, Houston, Tex.

James C. Herron, Inspector, Philadelphia Police Department, Philadelphia, Pa.

Louis A. Heyd, Criminal Sheriff, New Orleans, La.

Robert M. Igleburger, Chief of Police, Dayton, Ohio.

Alan Kimball, Director, Department of Public Safety, Indianapolis, Ind.

John C. Martin, Assistant to the City Manager, Rockville, Md.

Richard G. McKean, Acting Public Safety Director, Cleveland, Ohio.

Frank E. Nolan, Chief Inspector, Philadelphia Police Department, Philadelphia, Pa.

James C. Parsons, Captain, Birmingham Police Department, Birmingham, Ala.

Frank J. Vaccarella, Federal Programs Coordinator, New Orleans, La.

David Wallerstein, Federal Legislative Representative, Los Angeles, Calif.

Herbert C. Yost, Director of Public Safety, Lancaster, Pa.

PRIDE IN OKLAHOMA

Mr. HARRIS. Mr. President, my home State of Oklahoma is a young, vibrant, growing State, blessed with an abundance of natural resources and progressive, forward-looking people who in many ways are the real pioneers of the 20th century.

A national magazine recently carried a lengthy article on Oklahoma, calling it "wild and beautiful," and on the move. Other publications also have noted the progress that Oklahoma is making in many fronts, and the pride that Oklahomans have in their home State.

I am glad the world is becoming more aware of our achievements—of our tremendous water development program, our fine, rapidly improving educational system, our expanding industrial plants, our bustling young cities and our fertile farmlands.

I am proud of my fellow Oklahomans, and of their own feeling of pride. Probably no one can express this feeling of pride in a young State as well as can the youth of Oklahoma.

Recently, I received a letter from Mrs. Leatha Shockley, an Oklahoma history teacher in the Enid public school system, telling me of the excellent papers on "Pride in Oklahoma" written by her junior high school students and enclosing a number of these papers.

I ask unanimous consent that Mrs. Shockley's letter and the papers written by her students be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENID PUBLIC SCHOOLS,
Enid, Okla., February 4, 1970.

Hon. FRED HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: In our Oklahoma History course, we learn the fundamental issues contained in our text, but we go farther than this.

It is my belief that our Oklahoma youth, if they are to develop a keen sense of pride in their state, should be informed in outstanding issues and accomplishments that are not often mentioned in a textbook. To be the most effective, however, this should be coordinated efforts in grades one through nine. If we sell our youth on Pride in Oklahoma, they in turn will sell the idea to their parents and to others. Ideas gather momentum and can have far reaching effects. This could be a definite asset to the potential growth of Oklahoma.

To develop this sense of pride, my classes do research projects and I use the lecture method to add to their gathered information.

The enclosed papers are papers done in the closing class session of Oklahoma History. After taking up their textbooks, the slogan "Pride in Oklahoma" was written on the board. The students were told to "have fun" with this, to write in any style they chose and on one area or many. They had had no previous warning as to what we were going to do. Too, there was to be no grade.

These papers are a few of many excellent papers, and I might add some of the papers are those of students who work very hard for passing marks.

The papers do justice to the Oklahoma youth with whom we, as teachers, have the privilege to work.

Sincerely,

LEATHA SHOCKLEY,
Oklahoma History Teacher,
Waller Junior High School.

PRIDE IN OKLAHOMA

(By David Moser)

Oklahoma is a growing state,
It's really on the move.
It's out to make the best of things
And see what it can prove.

We grow a multitude of crops,
Our wheat is very nice.
Jobs are always waiting here,
Opportunity knocks twice.

Museums, arts and industry;
We have them all and more.
Grassy plains, and mirrored lakes,
And colorful Indian lore.

Despite our noble heritage,
We dwell not in the past.
Our eyes are to the future,
It's coming up so fast.

We're proud of Oklahoma
It's come a long, long way.
We want to grow along with it
Tomorrow and today.

PRIDE IN OKLAHOMA

(By Joe Lenz)

I am proud to be an Okie. There are many, many reasons why I am so proud to be a part of this wonderful and beautiful state. I love the clean air and the deep blue sky. I love the sun shining down upon my back in the summer and the cold, crisp air of winter. I love the smell of outdoors after a light shower that just seems to wash everything clean. I love the green forests and the rolling plains and the clear blue lakes. And I love to wander through a golden wheat field as it sways gently in the breeze. But most of all I love the warm, friendly people of Oklahoma. There seems to be a mutual feeling of friendship and understanding in our state. The people of Oklahoma are tough on the outside but on the inside there is a gentleness and kindness that cannot be expressed by words. I am truly proud to be an Okie.

"MY" OKLAHOMA

(By Andy Ferguson)

Oklahoma is a great state
Oklahoma, she is mine.
We are not being graded
So this isn't just a line.

I'm proud to be an "Okie"
And I have an "Okie" pin.
But any person who insults it
To me will be no friend.

I've sat and pondered quite awhile
And still don't understand it.
Why other states think of us all
As backward or as bandits!

We're quite advanced in many fields
Such as science, highways and the arts.
And *our* crops give the greatest yields
With thick forests in some parts.

So why do those from out-of-state
Think we are all so dumb?
We've had some Miss "A" candidates
And I might add, two have won!

Our state's turned out a number of
Important men and women.
Such as Rogers, Choteau, Thorpe and Ross
Who had the "Okie" in 'em.

Oklahoma is where I began
And that is why I love her.
Here is my home, my church, my life.
I put no place above her.

HOW WE CAN SHOW PRIDE IN OKLAHOMA

(By Paul Reinstein)

Oklahoma has been my adopted State for about three years. I feel pride in the fact that I have the opportunity to obtain my education here.

Keeping alert to opportunities available to me in my school, church and community to become a good citizen makes me proud.

Learning the history of the State is helping me to understand the people and their culture.

Abounding in our State are many beauties of nature, we all need to help take care of them.

Homes are the foundation of our society and by preparing myself properly I hope to some day be able to add to this strength.

Our State is growing and by doing my best during my school years, I can show my pride and belief in the future of my State.

Most boys and girls in school today are anxious to become good citizens and take pride in trying.

Alert is the key word in every effort we put forth today to learn and in turn help Oklahoma.

WHY?

(By Elaine Seymour)

Is it the famous Will Rogers, Jim Thorpe, artists, actors, writers;
Or is it the advancement made in these short years?
Maybe the beauty and fertility of our land,
Possibly the museums, resorts, and entertainment planned.
Could it be the natural friendliness of Indian, Negro, and White Man,
Or because we know not many understand?
If it be none or all of these reasons or only a few, I know I have "Pride in Oklahoma."

PRIDE IN OKLAHOMA

(By Gayla Blubaugh)

Who should take pride in Oklahoma? Not just people high in office or people that are rich or people that are important, but every Oklahoman has an obligation to be proud to live in Oklahoma.

What is meant by "Pride in Oklahoma"? It means to be grateful for the beautiful job that the people before our time did in forming our state and what the people are doing now. Our generation is going to try just as hard if not harder.

Why should we take pride in Oklahoma? If we, the people who own, operate, and populate Oklahoma, do not take pride, then who is going to do so? A state needs people, and the people need their state.

YOU CAN IN OKLAHOMA

(By Shelley Malicote)

Have you ever breathed in sweet smelling air? You can in Oklahoma. Have you ever watched the furry rabbits play in a wheat field? You can in Oklahoma. Have you ever seen an oil well, lit up like a circus? You can in Oklahoma. Have you ever seen petals rise, butterfly petals? You can in Oklahoma. Have you ever seen barley reaching for heaven? You can in Oklahoma. Have you ever met beautiful "Okies"? You find them in Oklahoma.

PRIDE IN OKLAHOMA

(By Earline Wheelahan)

Are you proud of Oklahoma? Proud of her achievements in the many fields of the arts, sciences, and industry? We should all be proud of Oklahoma! But, did she become what she is today all by herself? One day was she a brand-new state with little law and order, the next day a mighty state, famous for its people and traditions? Of course not! It took time, and people, like you and me, helping her along, to become what she is today, and to keep her that way.

We, ourselves, are preparing for that time when we will help Oklahoma to keep up her standards. How? By getting an education, and learning when and why some men failed and others succeeded in helping Oklahoma to her feet.

Our parents, too, are helping Oklahoma maintain herself, by electing officials for city, county, and state governments, whom they think are best qualified for their job. If they prove themselves uncapable of holding their office in a way that best benefits Oklahoma, then our parents can play a part in removing them from office, and putting in others.

Oklahoma today has many things to be proud of. We also have problems, as every state does, which we are not proud of. We are working on these problems, and one day, will shed light on the solutions. Maybe not in the near future, but somewhere along the line, we will find answers to these problems and many more. When our generation leads the state, it will be up to us to uphold Oklahoma's high standards, and keep her as a symbol of what can be achieved when everyone in our state has "Pride in Oklahoma."

PRIDE IN OKLAHOMA

(By Bruce Tagge)

"How can I show pride in Oklahoma?" you ask.

I'll tell you. You can show pride in Oklahoma in every place in every way.

You can be proud of the many many great people born and raised in the state. Be proud of the industries, the diversity of farm products and the vast mineral wealth. Be proud of the unique Oklahoma culture. Be proud of the educational opportunities. Take pride in the many rivers, streams, lakes, mountains, plains, and forests of Oklahoma. Take pride in the abundant game of quail, dove, turkeys, rabbits, and countless other animals. Be proud of a free home with safety provided. Take pride in the cities and modern developments.

Take pride in Oklahoma and . . . thank God for it.

OKLAHOMA PEOPLE

(By Jeff Book)

Oklahoma is the Sooner State.
Oklahoma people are really great.
From bustling cities to fertile farms,
They greet all strangers with open arms.

Oklahoma people are pioneers.
They've fought for our country down through the years
Oklahoma people are strong and smart;
They are scholars, athletes, and collectors of art.

Oklahoma people are known world-wide
For their heritage, hard work, and pride.
Oklahoma is the Sooner State.
Oklahoma people are really great.

PRIDE IN OKLAHOMA

(By Dana Dillingham)

What do you think of when you hear the word: Oklahoma? I think of a state, a great state. Oklahoma is a rich and wonderful state. There are many opportunities offered to one in Oklahoma. When you stand up on a hill and look out over a beautiful land that nature has blessed abundantly, you can't help but feel a great amount of pride. Oklahoma has a beautiful landscape, many good industries and many opportunities, and above all great people who are working hard to keep Oklahoma a great state in a great nation.

PRIDE IN OKLAHOMA

(By Robert Smith)

There are many ways we as Oklahomans can show pride in our great state. For, indeed, we have much to be proud of. We can be proud of our background. The Indians, proud and everlasting, through years of toil and trouble, never gave up. The settlers, who came to Oklahoma, endured many hardships. We should be proud of so many different job opportunities that our state offers. It also offers recreation for our spare time. In Oklahoma, if you are a sports fan, you can see great teams take part in football, baseball, basketball, and wrestling. We can be proud of a good, fair government that will let the people, young and old, speak their minds and do something about it. As the song goes, Oklahoma is OK.

PRIDE IN OKLAHOMA

(By Mark H. Mullican)

Oklahoma is a place of beauty and contrast not just a contrast within its boundaries, but she stands by herself among the other states. She has a unique and colorful heritage due to the contributions of the Indians and the rugged settlers who worked to have a good state. As we can see they did not work in vain.

Oklahoma's diversified economy comes from a wide range of work such as mining, industry, agriculture, and glass making, plus many more.

Our magnificent state, Oklahoma, covers 70,000 square miles of prairies, mountains, plains and forests under which nature has bestowed a generous and bountiful supply of minerals.

The air we breath is not filled with layers of soot and grime. Our rivers, lakes, and streams are not polluted but are filled with clean, fresh water.

We are one of the newest states and should be proud of this because we have come so far in such a short time. Our people are the best. They are ambitious, young, and not afraid to labor for the betterment of this state. These are some of the reasons why I am proud to be an Okie.

PRIDE IN OKLAHOMA

(By Patty Strange)

Oklahomans show great pride in their state.

Some people complain about Oklahoma's climate. They gripe about it being too hot, too cold, the wind blows too much, etc. How many people sit down and think about the weather conditions in the states north of us? Wouldn't you rather it be too cold in the winter with occasional snow than having snow three or four feet deep? Or how about it being too hot? Don't we have a cool breeze and rain now and then?

Too many people outside our state think Oklahoma is not much to see. It is not like Los Angeles, San Francisco, New York, Chicago, or Miami. It does not have many big cities with the bright lights and neon signs. So very often you hear people say "Oklahoma, what is there to see"? Even people in Oklahoma say this, but I wonder if they have ever thought what is in Oklahoma.

For just a second let us look inside a great state and find out what Oklahoma really has in it. First of all Oklahoma has the most wonderful people you could ever find. They always have a warm welcome waiting for newcomers. Oklahoma has beautiful parks and lakes. Oklahoma has museums which you can find very interesting to tour. Oklahoma has some of the best schools in the country which have produced great personalities. One of the outstanding things the people of Oklahoma should be proud of is the small amount of violance in the state. You hardly ever hear of riots, demonstrations, or snipers picking off people with guns. You hear people say how much they would like to move to the east or west coast. Have they ever thought about the violence? Have they ever stopped to ask themselves "would I want to live where it is going on"? "Would I want to take the chance of my life when walking or driving down the street"? "Would I want to be caught in it"? The next time you think you would like to leave Oklahoma think about its people, parks and lakes, and how much more peaceful it is than Chicago, Los Angeles, or New York!

PRIDE IN OKLAHOMA

(By Keith Thomas)

Some people have lived in Oklahoma since before statehood. These people believed that Oklahoma would someday be the greatest state in the union. To me Oklahoma has accomplished this task.

Think back to the year 1889. Why did people come to Oklahoma? Because they had confidence that someday Oklahoma would be a productive state. When these people came to Oklahoma they found many Indians, some friendly . . . some not so friendly. These people were taking chances, chances that have reaped benefits.

Now that we have briefly reviewed the past, let us see what the present day Oklahoma has to offer. Oklahoma has some of the finest schools and teachers in the United States. Oklahoma has a lot to offer in jobs. Oklahoma is known for its oil industry, and for its large production of wheat. Oklahoma has a diversified economy.

We know what the present day Oklahoma has to offer, now let us see what it has to look forward to. In the future it will expand, not only in population but in industry and agriculture as well. In the future Oklahoma will have water transportation.

I take pride in being part of the "Growing Oklahoma."

LITHUANIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, Monday, February 16, marked the 52d anniversary of Lithuanian independence, celebrating that country's liberation in 1918 from 200 years of Russian suppression.

During the ensuing 22 years following 1918, the people of Lithuania proved to the world their energetic capacity for self-government. They joined the League of Nations in 1921, and the next year they adopted a permanent constitution, thus providing an appropriate example of their vigorous belief in democratic ideals. Within a few years of her liberation, the independent and free nation of Lithuania was diplomatically recognized by many world powers, including the United States.

In addition to political growth, great improvements were accomplished in education, literature, and transportation, as well as the institution of far-reaching social reforms and cultural advancements. Lithuania represented to the world a determination for nationwide improvement through the democratic process.

However, despite their most dauntless efforts to remain free, Lithuanian independence ended on June 15, 1940, with the invasion of their nation by Russian forces.

Although Lithuanians have been unable to restore to the Republic of Lithuania her independence, we in the United States acknowledge "Lithuanian Independence Day" and thereby recognize the undying efforts of these patriots in their continuous struggle to be free.

SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES URGES ABA TO SUPPORT RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the section of individual rights and responsibilities of the American Bar Association is asking the association's house of delegates to support ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

Section Chairman Jerome Shestack said in support of his group's stand:

> The need for the convention is as great or greater than it was twenty years ago. It is past time for action. The Senate has traditionally looked to the ABA for guidance in the treaty area. I hope our Association will firm its commitment to celebrate human rights by deciding to seek ratification of this convention.

Rita E. Hauser, U.S. representative to the U.N. Commission on Human Rights with the rank of Ambassador, was chairman of the committee that drafted the report supporting Senate ratification of the Genocide Convention.

The section report stated:

> In practical political terms, not to sign the Genocide Convention is to dissipate one's influence and to supply fuel for those who characterize the U.S. as the great hyprocrite.

Discussing the possibility of Senate ratification of the convention, the section report noted that the distinguished chairman of the Senate Foreign Relations Committee indicated his committee "would be prepared to take up the Genocide Convention again, and that in any consideration the views of the American Bar Association would be highly influential."

As one who has long urged Senate ratification of the genocide as well as other human rights conventions, I can but reiterate my hope that the ABA will give full and strong support to the Genocide Convention; and I earnestly urge my

Senate colleagues to seize the earliest possible opportunity to ratify this convention.

GEN. THADDEUS KOSCIUSZKO DAY

Mr. WILLIAMS of New Jersey. Mr. President, during the American Revolution a Polish soldier volunteered to fight with the American patriots against British forces. Although he was not an American colonist, Gen. Thaddeus Kosciuszko offered his services in the cause for American freedom. February 10 is celebrated as Gen. Thaddeus Kosciuszko Day.

Fighting in many battles, General Kosciuszko served with special distinction in the conflict of Yorktown and New York. His participation in and loyalty to our struggle for independence earned him a congressional grant of American citizenship and, appropriately, honored recognition in our American history.

Since that time successive generations of Polish-Americans have demonstrated their support of the ideals of this Nation and have contributed greatly to our cultural and economic development.

Gen. Thaddeus Kosciuszko Day appropriately recognizes the major Polish contribution to the American way of life.

DEATH OF FORMER REPRESENTATIVE MACHROWICZ

Mr. GRIFFIN. Mr. President, the Federal judiciary lost one of its most able and devoted servants today in the death of Judge Thaddeus M. Machrowicz. His former colleagues in Congress, with whom he served for six terms, will be saddened to learn of his passing.

Although there was never any doubt as to which party Judge Machrowicz belonged, he played a key role in many bipartisan efforts of the Michigan congressional delegation, such as helping to develop the St. Lawrence Seaway. I had the honor of serving in the 86th and 87th Congresses with Congressman Machrowicz, and I was impressed then, as I was during his service on the Federal bench, with his tireless efforts on behalf of his fellow man.

His career in the House ended abruptly when the late John F. Kennedy became President, because one of Mr. Kennedy's first judicial appointments was that of Thaddeus M. Machrowicz to the Federal bench for the eastern district of Michigan, a position the judge filled with distinction.

Born in Poland in 1899, the future Congressman came to the United States as a youngster. He was a student at the University of Chicago when World War I erupted, and he dropped out of school to serve as a lieutenant in the Polish Army of American Volunteers.

A strong patriot with stanchly anti-Communist views, Judge Machrowicz decided early that he would devote his life to public service. He was appointed attorney for the city of Hamtramck in 1934, and in 1942 he was named municipal judge of the city. On November 7, 1960, he was elected to Congress.

Mr. President, all who knew Judge Machrowicz will miss him.

I ask unanimous consent that the text of an article that appeared in today's Detroit News be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

DEATH TAKES U.S. JUDGE MACHROWICZ

Federal Judge Thadius M. Machrowicz, a Polish immigrant who was one of the late President Kennedy's first judicial appointees, died today in his Bloomfield Township home.

He was 70 years old.

Judge Machrowicz died in his sleep, apparently of a heart attack.

His death ended a career in which he held political offices ranging from Hamtramck Justice of the Peace to six term Democratic Congressman from Detroit's east side. He built his reputation partly upon staunch anti-communist stands as a congressman, consistent with active service with the Polish Army in fighting the Bolshevik Army in 1920.

Funeral arrangements are incomplete.

Judge Machrowiczs' clerk, Walter Bielski said the judge was taken to Beaumont Hospital, Royal Oak, by ambulance this morning after his wife, Sophia, was unable to awaken him.

Dr. Thomas McInerney said the judge died of a coronary thrombosis at 8:05 a.m. Bielski said Judge Machrowicz had suffered several heart attacks in past years.

The Judge was born August 21, 1899, the son of B. Majihrowicz and his wife Francis.

He was brought to the U.S. as a child, attended the University of Chicago and DePaul University, and obtained his law degree from the Detroit College of Law in 1924.

His college career was interrupted by military service.

He practiced law in Detroit, becoming Hamtramck Justice of the Peace in 1942, a position he held until his election to Congress in 1950.

As a congressman representing the former first district in Detroit and Hamtramck, he was known mainly for his work on behalf of the St. Lawrence Seaway legislation and his anti-communist efforts.

He was named to the federal district court in Detroit in May, 1961, a few months after President Kennedy assumed office.

The judge is survived by his wife and two children, sons Tod and Don.

ENVIRONMENTAL QUALITY MEASURES COSPONSORED BY SENATOR RANDOLPH IN INTEREST OF BIPARTISANSHIP

Mr. RANDOLPH. Mr. President, another period of intense activity in the Congress on legislation to improve the quality of the environment impends. As always, it is one of our most challenging areas of legislative endeavor. The need for quality improvement—vast improvement—is as vital as any requirement confronting society. The environment in which we live has become so complex that the really effective solutions to problems created by man's befoulment of it are elusive because the environmental problems generally are complex, too.

Our proven leader in this body in the pollution control effort, Senator EDMUND S. MUSKIE, of Maine, is developing again a broad agenda for the Public Works Subcommittee on Air and Water Pollution, which he chairs so ably and vigorously. As chairman of the full Public Works Committee, I am coordinating the committee's agenda with that of the subcommittee headed by the Senator from Maine, who is preparing to introduce broad legislative measures to expand and improve upon the antipollution laws heretofore enacted under his leadership.

President Nixon indicated clearly in his state of the Union message the emphasis his administration places on the need to upgrade the quality of the environment. And his special message to the Congress on the environment, delivered February 10, spells out the administration's understanding of the problems and pronounces the points and methods of attack on those problems. The Nixon administration's versions of legislative remedies have been prepared and made available to us and will be introduced formally as legislative measures by the minority leader, the senior Senator from Pennsylvania (Mr. SCOTT), who has invited cosponsorship.

In a letter today to the minority leader, I wrote that Senator MUSKIE invited me to cosponsor the bills he will introduce, and I have accepted. And I asked Senator SCOTT to list me as a cosponsor of the legislation he will introduce to implement the President's proposals.

As I noted earlier in a communication to Senator MUSKIE, I also informed Senator SCOTT that I agree in principle on the objectives espoused by the Senator from Maine and those espoused in the Nixon administration measures. I expressed the belief that we will be able to negotiate solutions where we may have some differences on methods of reaching the environmental goals to which I ascribe the same high priority expressed by the President, by Majority Leader MANSFIELD, by Minority Leader SCOTT, and by Senator MUSKIE.

In communicating my desire to cosponsor the Muskie bills and the Nixon administration proposals, I called attention to the fact that in our Public Works Committee and in our Subcommittee on Air and Water Pollution, legislation to improve the quality of the environment never has been considered on partisan political lines. I reiterate the belief that the same conditions will prevail in this session of the Congress and that vital questions relating to upgrading the quality of our environment will have bipartisan consideration.

It is in this tradition that I am gratified to cosponsor in principle and purpose the bills of the Nixon administration and those which Senator MUSKIE will introduce, based on his lengthy and comprehensive experience with environmental legislation.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All time is now under control, with a 2-hour limitation on each amendment.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 41 Leg.]

Allen	Hatfield	Ribicoff
Bennett	Jordan, Idaho	Spong
Byrd, Va.	Mansfield	Stennis
Byrd, W. Va.	Moss	Talmadge
Cotton	Pell	Williams, Del.
Griffin	Prouty	

Mr. BYRD of West Virginia. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. SPONG in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Goldwater	Montoya
Alliott	Goodell	Murphy
Anderson	Gore	Muskie
Baker	Gurney	Packwood
Bayh	Hansen	Pastore
Bellmon	Harris	Pearson
Bible	Hart	Percy
Boggs	Hartke	Proxmire
Burdick	Holland	Randolph
Cannon	Hollings	Russell
Case	Hruska	Saxbe
Cook	Hughes	Schweiker
Cooper	Inouye	Scott
Cranston	Jackson	Smith, Maine
Curtis	Javits	Sparkman
Dodd	Jordan, N.C.	Stevens
Dole	Long	Symington
Eagleton	Magnuson	Thurmond
Eastland	Mathias	Tower
Ellender	McCarthy	Tydings
Ervin	McGee	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Mondale	

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The pending question is on the amendment (No. 463) of the Senator from Mississippi. There is a time limitation of 2 hours, to be divided equally between the Senator from Mississippi (Mr. STENNIS) and the Senator from Rhode Island (Mr. PELL). Who yields time?

Mr. PELL. Mr. President, as the manager of the bill I have thought earnestly about this amendment over the last few days. It is a difficult amendment. We are faced with an anomaly here—really a contradiction. We all wish to achieve integration in schooling, opportunity, and life. We realize that the segregation that exists in our schools, as the Senator from Connecticut stated, is a reflection of the dual systems in our life pattern.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Rhode Island will suspend. This time will not be charged against him. Senators will please be seated. The Senate will be in order. Aides will retire to the rear of the Chamber.

Mr. PELL. One of the these reflections of our dual-life pattern is that of education. Then we have the problem of how to resolve it. One of the methods of doing it, the most obvious one, is movement of children back and forth from different segregated areas to common schools. Yet our people as a whole are very opposed to this method. This problem was given expression by Gov. Winthrop Rockefeller, of Arkansas, when, as I recall, he said, in effect, that busing, if used judiciously, selectively, and carefully was an instrument for good, but if it was used with indiscrimination and with an iron hand, then it was a horse of a very different color.

On balance, I believe that the bill would be better off, without this amendment, and for that reason I have taken the position at this time of opposing it, or in lieu of that, accepting some compromise language or modification.

I realize that the Senator from Mississippi feels intensely on this question, and it is his amendment, so I yield to him to present his case.

Mr. JAVITS. Mr. President, will the Senator momentarily yield to me?

Mr. PELL. Yes.

Mr. JAVITS. I have a rather considerable speech on this matter, which will direct itself to the observations of the Senator from Connecticut (Mr. RIBICOFF) and to the substitute to be offered by the Senator from Minnesota (Mr. MONDALE), which I have the honor to cosponsor. So I shall not address myself to the question at this moment, until we have heard from the sponsor of the amendment, but I did want to emphasize what the Senator from Rhode Island (Mr. PELL) just told us in terms of the seriousness of this matter.

I hope Senators will realize that we are dealing with one of the most fundamental questions facing our Nation morally and in terms of what has been so widely discussed, the divisiveness of the Nation. I have great faith in the crucible which is the Senate. I hope very much that Senators will give this question the depth of attention, notwithstanding the time limitation, which it deserves.

We often debate questions like this for days and weeks, but we have concentrated the debate into a very short period of time because of the willingness of both sides to pass an aid to education bill. However, that fact should not lessen the deliberation with which we consider this question, because I consider it to be—and I think most Senators will, if they search their hearts—one of the most troublesome questions facing our Nation since I have been a party to the civil rights fight, ever since I got into public life 22 years ago, and ever since I came into the Senate, beginning with the first day I arrived, when we tested rule XXII. So I would like to join with my colleague in approaching this question with a certain sense of solemnity.

I think this problem is approaching a climax. This vote may very well be a watershed for deciding the whole question of which way the country will go. I only suggest, recognizing the spirit of consciousness of each Member of this body, whatever may be his view, that we take seriously what the Senator from Rhode Island (Mr. PELL) has said, and I would like to join him in it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 20 minutes, or such part thereof as I may use.

Mr. President, I have an emergency situation. I ask unanimous consent that I may suggest the absence of a quorum, not to last over 3 to 5 minutes, without the time for it being taken out of the time of either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I call the attention of the Senate to the wording of the very simple amendment which is now the order of business, amendment No. 463, a copy of which I assume is on each Senator's desk. The amendment reads very simply as follows:

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

Mr. President, as Secretary Finch stated over the weekend, segregation is segregation, period. But we are faced with the fact here that for years now there has been a very vigorous prosecution of the school authorities in the southern part of the United States, by administrative action, by HEW, and by the Department of Justice—so much so that it has reached the point where the

public schools in many areas of the South are literally being destroyed. There is no doubt about that, and no contradiction of it. Whereas, at the same time—and, I submit, through a legal fiction only—there is virtually nothing, by comparison, being done in the other States of this Nation outside the South, in spite of the uncontradicted fact, proven by the record, that hundreds of thousands of black students there are going to schools which are from 95 to 100 percent black students, while on the other side of the city, or somewhere nearby, the white schools have similar percentages of white students.

That situation exists in many States outside of the South which have antecedent laws, some of which were in effect as late as 1949—in New York State, for example, as late as 1938—which permitted separate schools for the races, and where segregation was largely practiced. Certainly those laws greatly contributed to the foundation stones of the segregation which exists today. Still, with the two exceptions I have mentioned, they are not touched.

All the figures have been put in the RECORD, beginning last October—figures for Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York—and all those figures stand uncontradicted today. They are official HEW figures. They are correct. They show more segregation in those areas than there was in 1954. They show absolutely no effort by any Governor, as far as I have been able to find, of any of those States, to do anything to remedy the situation. I do not know of any Member of this body who has proposed that his State should come to the lick log and integrate its schools. I do not know of any Member of the House of Representatives who has done so.

I know of one State that has not only failed to do or say anything affirmative, but its legislature passed a law—now the law in that State—saying that these things shall not be done. That is the great State of New York; and when I say great, I mean great. That is what the other amendment we had before us was based on, as is well known; we just took the main provisions of that State law of New York, and had them prepared as an amendment to this measure. That amendment has been argued to some extent, but with the exception of the fine senior Senator from New York (Mr. JAVITS) no Senator that the Senator from Mississippi has heard has come to the rescue of his own State, or attempted to make any explanation of these conditions, or to suggest there is any prospect of doing anything about it.

It has been said here many times in the last 5 or 6 years, and I am only repeating it, that those at the head of HEW have promised to move in, in a large way, in those areas. They have not done it. They made such a promise to the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. HILL), and I was the third member of the group. And at the same time, we now find opposition to this amendment.

What is the matter with the amendment? What is wrong with it? Just to get right down to hard facts, what is the matter with it? Why not have the rule that applies across the board? What objection can Senators give, what reason for not saying, "Yes, I join in an amendment for a policy of integration or desegregation throughout the country"?

Why not? I do not know of any reason. I know of none that has been stated.

I say the people in those areas of the country do not know whether they want integration or not. They have never had it applied to them.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STENNIS. I do not like to decline to yield to the Senator, but I should like to finish laying before the Senate what I think are the main issues.

I yield briefly to the Senator from Rhode Island for a question.

Mr. PASTORE. The Senator from Mississippi asks the rhetorical question, What is wrong with it?

I think there is nothing wrong with a policy that is nationwide. I have always maintained that position. The words in the amendment that I object to are the words "without regard to the origin or cause of such segregation." If those words were deleted, I could vote for the Senator's amendment; but with those words in it, I could not. I do not think the Senate ought to apologize to anyone or any section of the country in instituting a national constitutional policy.

Mr. STENNIS. I thank the Senator. We will come to that proposition in a few minutes.

I remember, during the debate on the Civil Rights Act of 1964, that the Senator from Rhode Island, in his fine way, gave assurances that there would be a rule that would apply uniformly.

Mr. PASTORE. That is right.

Mr. STENNIS. In Mississippi and Rhode Island, and some other State he named.

But now we find there is a rule that applies just to the South, and is ruining our public schools.

I do not want to ruin the schools of the North, but I want them to find out whether or not they want this massive, immediate integration. I do not believe they do. So I put it up to the Senate now, in its very broadest terms: What ground, after all, can Senators honestly find to stand on in saying, "We are going to have this dictum applied throughout the South, to the extent of tearing up the schools, carting the teachers around who are under contract, making them teach somewhere they did not promise to teach, on the opposite side of the county, and carting little children, from 6 years old on up, around like cattle, in order to achieve racial balance"? How can Senators stomach that, when they say, "Nay, don't you touch us." I mean by "us" those beyond the South.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I am glad to yield briefly to the Senator from Alabama, for a question.

Mr. SPARKMAN. In connection with what the Senator has just said, it is not only unjust treatment of the white children, but equally so of children of every color.

Mr. STENNIS. Oh, yes, of course.

Mr. SPARKMAN. That was brought out quite clearly in the speech by the able Senator from Connecticut (Mr. RIBICOFF).

Mr. STENNIS. Yes.

Mr. SPARKMAN. Did the Senator from Mississippi see this Associated Press report of last Saturday? It is very brief:

Robert H. Finch, secretary of health, education and welfare, says he supports a single national standard for school integration.

There is a "kind of hypocrisy" in the North's attitude toward segregated education, he said at a news conference Friday.

Asked about a proposed amendment to an education bill by Sen. John C. Stennis, D-Miss., to require that desegregation efforts be applied equally in the North and the South, Finch said:

I quote his words:

There is need to extend the provisions of integration nationally. I think the North has been guilty of a certain amount of hypocrisy. Senator Stennis was perfectly in order in making his amendment.

Mr. STENNIS. I thank the Senator. It certainly is relevant.

This is what the President of the United States said as late as last Thursday, through his press secretary. I have in my hand a copy as sent out from the White House. The third paragraph reads:

School desegregation plans prepared by the Department of HEW on request of school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept.

That is what we are fighting for. We have intergration in the South. There is no doubt about that. We know it is there to stay. We are fighting for the neighborhood school, and that is what you people in the North and the East are going to fight for when this matter really gets to your door.

I quote further:

It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

That is the President of the United States speaking.

That thought was reiterated in an additional statement, a broader subject, including other matters, that came from the White House yesterday. I have that, and I am sure everyone is familiar with it. The President said:

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

Is there any doubt about what that means? "Uniformity throughout the land." That little qualification deals solely with the great diversity of school districts that range with a student body all the way from 10, 15, and 20 on up to several thousand.

Can there be any doubt about what the President meant when he said it should be dealt with uniformly throughout the land?

Someone has said, "Well, you know, we had an amendment here in December that said something about unconstitutional." We are already integrated; but if it is unconstitutional in the South to have anything less than total integration and it is not unconstitutional outside the South, the quicker you can tell us that, the better. We want to know from you, and we want to know from the Supreme Court, which has the last say, of course. But under the practical application of this doctrine, it is being held unconstitutional in the South and constitutional in the North. That is exactly what it amounts to. I believe that is what the President is hitting at here. I know it is.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to finish this statement.

I warned, at the beginning of this debate, that if anyone is going to come here and intimate through the use of the term "administration" that the administration is against the amendments, he should bring the quotation of the President with him, and that I was going to challenge it. This is what the President says, and he means what he says.

Mr. President, I ask unanimous consent to have these statements printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

NIXON ADMINISTRATION STATEMENT, FEBRUARY 12, 1970

1. The Administration's position on the voting rights legislation now pending before the United States Senate is one of full support for all the provisions of the measure passed by the House of Representatives.

2. The President has consistently opposed, and still opposes, compulsory bussing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

3. School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

4. It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

STATEMENT BY THE PRESIDENT, FEBRUARY 16, 1970

The Supreme Court has ordered that where any school district in the nation is maintaining a dual school system based on race, it shall be changed to a unitary system.

Recognizing local differences, the Courts have not defined what is meant by a "unitary system" but have left to local school boards the task of designing appropriate changes in assignments and facilities to bring their districts into compliance with the Courts' general requirements. These changes are embodied in desegregation plans, some of which are prepared, on request, with federal assistance.

As a matter of general policy this Administration will respond affirmatively to requests for assistance in the formulation and presentation to the Courts of desegregation plans designed to comply with the law.

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

I realize that in the school districts affected by the Court's mandates, putting even the most carefully-considered desegregation plans into effect is going to cause controversy. Required changes will inevitably be accompanied by apprehension and concern at the time of their implementation.

On one point there should be no argument: the hundreds of thousands of children in the affected districts deserve what every other child in America deserves: a sound education in an atmosphere conducive to learning. This is my paramount interest, and in this regard I am sure I speak for the nation.

America's public schools are our principal investment in our own future. In every State the public schools are literally the guarantee of that State's life and growth and health. Any community which permits its public school system to deteriorate condemns itself to economic and social stagnation; nobody knows this fact more surely than the business, labor, education and religious leaders who serve their communities with dedication and pride.

In many States community leaders are making themselves heard, counselling respect for law and development of public education of the highest attainable quality. I wish to associate myself with such counsel—to lend the weight of this Office and the available resources of the Federal Executive to the constructive work which is being carried on in community after community, and especially in those facing what for them are far-reaching and extremely difficult educational and social changes.

In order to explore what kinds of additional assistance the President and the Federal Departments could usefully render to these communities, I have asked the Vice President to chair an informal cabinet level working group with Secretary of Labor George Shultz as Vice Chairman. Its members include Attorney General Mitchell, Postmaster General Blount, Secretary Finch, Assistant to the President Donald Rumsfeld, and Counsellors Moynihan and Harlow. I have instructed them to review in detail the efforts of the Executive Branch which are now or could be dedicated to helping school districts in complying with the Court's requirements and to preserving the continuity of public education for thousands of school children.

The Courts have spoken; many schools throughout the country need help. The nation urgently needs the civic statesmanship and levelheadedness of thousands of private citizens and public officials who must work together in their towns and cities to carry out the law and at the same time preserve educational opportunity. This Administration will work with them.

Mr. STENNIS. I yield to the Senator from Georgia.

Mr. TALMADGE. We have heard Senators on this floor refer to de facto segregation and de jure segregation. Is it not a fact that the Supreme Court, in the Brown decision, in 1954, held segregation unconstitutional, period?

Mr. STENNIS. That is exactly my understanding of that—no limitation, no exception, no geography.

Mr. TALMADGE. Did that end de jure segregation—north, south, east, and west, throughout the length and breadth of our country?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. And for 16 years, since 1954, there has been no such thing as de jure segregation anywhere in the United States of America.

Mr. STENNIS. It is a misnomer, a total misnomer. It is a term used for administrative purposes, and a fictitious line has been drawn. I do not know what the Supreme Court is going to hold finally. I do not believe it will ever hold that it is unconstitutional in one area of the country and not unconstitutional in another. But they have backed off from going that far, so far. They have never said that it would be legal in the North to have all the segregation that exists there.

Mr. TALMADGE. I thank the Senator.

Mr. STENNIS. I do not believe they will. I do not see how they can.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia, Mr. President, the Senator from Mississippi knows that I am opposed to forced segregation. He also knows that I am unalterably opposed to forced integration.

The Senator's amendment, which I would like to support, reads as follows, and I will paraphrase it. It states that in dealing with conditions of segregation by race in schools, guidelines and criteria shall be applied uniformly in all regions of the United States. The Senator knows and I know that under the guidelines that have been applied in some States of the United States up to this moment, in effect, forced integration has ensued and has been required. I do not want to vote for an amendment that will require forced integration anywhere in this country—North, East, South, or West.

If this amendment is adopted, which says that the regulations established pursuant to title VI, and so forth, shall be applied uniformly in all regions of the United States, does this mean that those who support this amendment will be voting for forced integration anywhere in the country? That is what is happening in the South now. And if the regulations are applied uniformly, does

this mean that forced integration will be the law in the North as well as in the South?

Mr. STENNIS. Certainly, it does not mean that there has to be massive, total forced integration as to every school. Certainly, it does not mean that they have to integrate to the extent of a quota basis or anything like that.

The amendment says on its face, though, that no child shall be turned away from a school because of race, color, or national origin. So it would prohibit discrimination against the child, the individual, or numbers of them, having the right to enter a school; and therefore you would have integration.

I do not know how far the courts would go in interpreting this matter. I could not speak on that point.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, it is our responsibility as Senators to interpret as well as we can the constitutionality of the laws we pass. The 1954 decision of the Supreme Court ruled that children could not be assigned to public schools on the basis of race or color. It did not require forced integration, massive or otherwise. The 1964 Civil Rights Act did not require forced integration, but, as a matter of fact, regulations are being promulgated by the Department of HEW——

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The 20 minutes of the Senator from Mississippi have expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes and ask the Senator from West Virginia if he could be brief.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. BYRD of West Virginia. The regulations being promulgated by the Department of HEW will, in effect, require forced integration in some States in this country. I want to know whether, by voting for this amendment, we will be voting for forced integration in any part of the country. I am against forced integration.

Mr. STENNIS. I have gone about as far as I can go on this. I believe that every Senator will have to judge for himself how far this thing may wind up. They would certainly have integration. We already have it. I do not think the amendment could be used as a vehicle for any more enforcement than letting the children in. The Supreme Court has always bottomed its decision on the 14th amendment, so I could not speak beyond that.

Mr. BYRD of West Virginia. Integration is one thing. We can have voluntary integration or freedom of choice. I am not opposed to that. I am for that. But forced integration in the schools is something else. In the Senator's opinion, does this amendment require forced integration?

Mr. STENNIS. It does not require it, in my judgment. It may happen. I think we will have integration, of course. But it does not make it mandatory. What policy may develop is beyond this amendment.

Now, Mr. President, I have been asked, what do I think of the result of my amendment.

The amendment, if honestly applied, will increase integration some beyond the South. I do not think there is any doubt about that, beyond what it is now. In some of these areas there would be some increase in it. It is not demanded by it. But I think there would be some. I want to be frank about it.

I think, though, that if we apply a uniform policy to the people in areas outside the South, they will find, for the first time, whether they do or do not want to have this integration, desegregation, massive and otherwise, at the expense of destroying their schools, running the faculties off, and driving parents to send their children to private schools. They will find out soon enough, for the first time, whether they want it. They do not know what it will be like yet, just as Members of this body, they do not know whether they favor it or not, because they have not sent their children to the highly integrated schools such as we have in the District of Columbia.

Mr. President, this is a practical question. I speak with all deference here, but the people in States like Michigan, Ohio, Indiana, Illinois, Pennsylvania, New York, and others, will find out whether they really favor it.

The Negroes in the North will also find out whether they really want this total policy of integration. I have a responsibility to the black students and their parents in my area of the country. I know how they feel. I have talked to them. I have lived with them. They come to me wringing their hands, thinking that I should be able to do something about this.

This process, whatever happens, will finally wind up—if we have any public schools left—with some kind of modified program more acceptable to both races which will be, in some measure, a freedom of choice. I am just as sure of that as I am that I live today. I do not know how long it will take.

Mr. President, the teacher, the student, the schoolroom, the class—education itself, are something far more than chairs, desks, blackboards, human bodies.

The teacher and the student are like a musical instrument, which must be kept in tune, so that impressionable minds can develop and grow. There is something intangible about it. We cannot create it on the Senate floor, and neither can the Supreme Court. They cannot create it over there in that fine marble building, because time will have passed on.

Gentlemen, I put it up to you. What are we going to do about it? Let us meet this issue squarely.

We shall soon hear the argument, let us send it to a committee. God have mercy on us if we do not know enough about this subject now to do that.

If we think we do not have enough knowledge now, I suggest that Senators spend a day visiting the integrated schools of the District of Columbia, and let them see what they are like. I speak with all deference to them. If they do not know it now, they will soon find out.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield me 10 minutes?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. TALMADGE. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Mississippi (Mr. STENNIS).

Let us look at the amendment and see what it does.

I read the amendment:

SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

Mr. President, in 1954, the Supreme Court handed down its decision on Brown against Board of Education. In that decision, the Supreme Court held that children could not be classified by race for assignment to public school. They based the decision on the 14th amendment, from which I read a portion thereof:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We shall hear from time to time in this Chamber about "de jure" segregation. At one time, we had de jure seggregation in every State in the United States. Some States ended de jure segregation earlier than others. But in 1954, by the Brown decision, the Supreme Court ended, for all time and forever, de jure segregation in every State in the land.

Thus, if any Senator rises from time to time now, on this floor, and tries to distinguish between de jure and de facto segregation, there is no such thing and there has not been any such thing for 16 long years.

Mr. President, in enforcing the Civil Rights Act of 1964, the U.S. Department of Health, Education, and Welfare unfortunately has attempted to place into effect one rule in the Southern States and a different rule in the other States of the Union.

I thought that this Union since 1865 was one Nation, indivisible, inseparable, with equal justice for all. I thought there was equal application of the law in every part of our 50 States.

Congress has affirmed that in its views. But unfortunately some decisions of the courts and some decisions of the execu-

tive branch of Government seem to indicate that the War Between the States that ended in 1865 is not yet over, and that one section of the country must be treated as a conquered province to the exclusion of all other sections of the country.

These bureaucrats are going throughout the South. They go to the county health department, the school boards, the superintendents of schools, the county boards of education, the State boards, and even to the Governors, and they say, "You have got such and such a school. We counted the number of black students and found that you do not have a large enough percentage of blacks."

They go to other schools and count the number of black students and find that in their opinion the schools do not have enough blacks. And they then cut off Federal assistance. Some of that money is title I funds that were being used to feed hungry children.

In the State of Georgia, they have deprived 10,000 unfortunate students, white and black, of lunch program funds that Congress appropriated for nutrition of needy children.

Is that equal protection of the laws? Is that equal justice under the law? They have not cut off one thin dime of any funds appropriated for any State outside of the South, despite the fact that the Senator from Mississippi (Mr. STENNIS) and other Senators have stood on this floor day after day and pointed out the fact that there is twice as much segregation in many areas of our country than there is in the South. In fact, we are meeting in the Senate Chamber today, and we have located here in Washington, D.C., the most segregated public school system of the United States. I think the facts show that 85 percent of the students in the public school system in Washington, D.C., is black.

Mr. BYRD of West Virginia. Mr. President will the Senator yield for correction?

Mr. TALMADGE. I yield.

Mr. BYRD of West Virginia. The figure is 95 percent rather than 85 percent.

Mr. TALMADGE. Mr. President, the percentage is 95 percent. I appreciate the correction by the Senator from West Virginia, who was chairman of the Appropriations Subcommittee of the District of Columbia. I appreciate his clarification of the RECORD on that point.

What did Congress say about it? Congress passed Public Law 88–352 on July 2, 1964. That was when it was signed by the President. A provision of title IV of that statute states:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

We have desegregated public schools throughout the South. But these bureaucrats and, in some instances, some of our more zealous courts have found that the ratio of black and white does not suit their notion of what it ought to be.

Their theory is that discrimination does not mean a school open to all, black and white, without reference to race, creed, or color. They think that discrimination means that one has to go out and have an homogenized society, that he has to run down enough children, black and white, and enough members of the faculty, black and white, and drag them in by their heels, kicking and screaming against their will, and assign them to a certain school against their will.

It is a ridiculous situation we face in this country.

The only people that I know today who are deprived of their freedom of action are prisoners that society has put in prison. Another class consists of draftees who have been called to serve their country and defend our flag. They may be sent to a foreign battlefield to fight and die.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 additional minutes.

Mr. TALMADGE. Mr. President, the third group deprived of their freedom consists of little schoolchildren who are assigned to public schools against their will by the notion of some bureaucrat. That is not liberty and it is not freedom of action.

It is not confined to the white children alone. I hold an article in my hand that I had printed in the RECORD the other day. It reads in part:

A boycott by the 1,600 pupils at all-black Spalding School in Lamar, S.C., was virtually 100 per cent effective. They are protesting a court-ordered desegregation plan that would move about 500 Negro pupils to a predominantly white school.

In my State of Georgia, at College Park, HEW officials wanted a school abolished and it was closed. It was a Negro neighborhood school. Students protested. The principal protested. Parents protested. Teachers protested. Such pressure was brought that the school was allowed to reopen.

I want to read to the Senate the saddest letter I have ever received. It is dated February 1, 1970, and is from La Grange, Ga. This lady is the wife of a serviceman in the Air Force, presently assigned to Taiwan. She has six children. The oldest child is 15 years of age, and the youngest child is 7 years of age.

She is working as a nurse to try to support her family and to help her husband, who is in the Air Force, support that family.

She writes:

DEAR SIR: In reference to our telephone conversation of the night of Jan. 29, 1970, I am replying in writing to our conversation that night.

(1) Due to the fact I have six children of Elementary & Junior High school age.

(2) In Sept. 1970 I will have my six children attending five different schools in our school zone.

(3) Enclosed is a copy of the schools and the distances from my home to each school. Plus the total number of miles I would have to travel before going to my job at 9:00 a.m.

(4) Due to my income, I could not pay anyone to provide transportation to five different schools.

(5) By local cab the rate is $3.00 per child round trip, this would be $18.00 per week. Plus $8.50 for lunch money. This would be at the present rate $26.50 for cab fare and lunch money. The cab co. doesn't know if this will still be the rate per child in Sept.

(6) My present wage is $67.39 per week. This would leave me $40.89 per week to feed, clothe, and buy gas for the week in question.

(7) I have no one to take my children to school but myself as I could not afford for the children to go hungry while I paid for their transportation. This would mean that I would have to take them to school myself, a distance of 10½ miles before going to work, plus leaving my job in the afternoon and going 10½ miles again to pick them up.

(8) As the wife of a member of the U.S. Air Force, serving in the Far East, living by myself with my children and trying to keep our family together, I have to work to help provide for the bare necessities of life. We bought our home on Park Ave. so our children in the elementary school could go to South West School which is in walking distance of our home.

(9) I must strongly protest to the extra hardships these changes in school will place on my children and myself.

(10) My youngest child, age seven (girl), will have to attend Kelly which is in one of the worst parts of the city. She is very small for her age, weighs only 33 lbs. and is a very nervous child. I fear for her safety and health in attending a school so far from her older brothers and sister who has seen to her safety since she started to school.

Any help you can give me in this matter would be greatly appreciated.

Mr. President, I never thought I would live to see the day in this land of the free and the home of the brave when I would receive such a letter from the wife of a serviceman who is fighting for his country. She has been ordered to send her children to five different schools that she cannot afford and against her will, and I hope Congress will come to her aid, just as her husband is fighting for this country.

Mr. PELL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PELL. Mr. President, the question has been raised as to the position of the administration. The Senator from Mississippi said that the administration is not opposed to these amendments. Far be it from me as a Democratic Senator to compliment the political agility of the administration, but I do because they have come down foursquare on both sides of the issue.

I would like to read for the record the concluding paragraph of a letter from James E. Allen, Jr., the Assistant Secretary for Education, and U.S. Commissioner of Education speaking for the Department of Health, Education, and Welfare, in which he stated:

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Mr. STENNIS. Mr. President, will the Senator yield to me on his time?

Mr. PELL. I yield.

Mr. STENNIS. What is the date of the letter from Mr. Allen, Commissioner of Education?

Mr. PELL. The letter is dated February 6, 1970.

Mr. STENNIS. That is 6 days prior to the statement by the President of the United States. Does not the Senator from Rhode Island think that the President's statement supersedes and cancels to a large degree what the Commissioner of Education said?

Mr. PELL. I would think it certainly supersedes but does not necessarily cancel, because the President did not specifically deny or disclaim the letter of the Commissioner. I am citing this as an example of the great political agility of the administration.

Mr. STENNIS. Mr. President, if the Senator will yield further, the Senator would agree that the President's statement, not only by virtue of being made last but because of his position, would certainly be the controlling position of the administration. Is that correct?

Mr. PELL. That is correct.

Mr. STENNIS. I do not have the communication before me, but according to press reports Secretary Finch made a speech in Boston Saturday. He said that this amendment, referring to these amendments, certainly was in order and had a place, and that this so-called northern segregation was obnoxious. I do not know that he used that word. Maybe he used the word hypocritical. Did the Senator see that article?

Mr. PELL. I am sure, if the Senator from Mississippi recalls having seen the article, it was published, but I did not see it myself.

Mr. STENNIS. I will get it and refer to it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. MURPHY. Mr. President, will the Senator yield to me for 4 minutes?

Mr. STENNIS. Mr. President, I yield to the Senator from California for 5 minutes.

Mr. MURPHY. Mr. President, I have listened with great interest to this debate and discussion. I do not think it is really the fact that the President by means of political agility has been trying to avoid facing the issues. I think the statement read by the Senator from Mississippi is clear and I think it is understandable. Then, we have listened at great length to what members of the departments have said.

As representatives of the people we are charged with the responsibility for writing the law, not someone down the line in a department and not someone whose name is not known by the people. Sometimes they say, "This is not the law." I ask, "Then, what is the law?" I had this occur with the former Secretary of Labor. I discussed in the press what I meant by an amendment. I know what I meant. I am not trained in the law, but I am trained in communicating with people, and I believe when I speak to people they understand what I mean.

I have read with great interest the amendment proposed by the distinguished Senator from Mississippi. I cannot understand why there should be the slightest discussion. The amendment merely provides that the law shall apply equally to everyone. It says that we should not have one law for New York, another law for California, and another law for Washington. It provides that the Federal law shall apply equally to all the people. There can be no question about it.

Then, the matter of civil rights is discussed. I have been in favor of civil rights; I voted for civil rights. I went to an integrated school when I was a youngster where 75 percent, maybe 80 percent, of the students were Negro. We did not think anything about it. That school was at 36th and Chestnut Streets in West Philadelphia. It did not hurt my education. We got along. I think I have had a fairly successful life.

But we are talking about double standards, and there are far too many standards in this world today; one set of standards for one place and another set of rules for another place. We cannot have this. It is not honest, it is not moral, it is not decent.

With regard to the application, I wish to say that this entire matter has come home to Californians within the last few days as a result of the recent court decision in Los Angeles. Suddenly the people of California who had been talking about this matter abstractly and about someone in another State, are now faced with the problem.

I wish to bring up the practical side of the matter. Busing is going to cost the city of Los Angeles $40 million. The school system there is already without sufficient money to operate properly. It is going to cost the State of California $140 million, which it can ill afford. These are the conditions that now have come home in California and Californians understand at long last what we have been talking about here.

What about the rights of the people involved? What about the rights of families who say, "I do not want my child sent 22 miles to another school?" They are certainly entitled to consideration.

In our enthusiasm for ideas, in our emotionalism to do things that should have been done years ago to right some laws that had existed, let us not let emotions and enthusiasm overcome wisdom.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from California.

Mr. MURPHY. Mr. President, let us understand that what we do here today should be designed for application to the people in all 50 States. It should be designed to last for all time and to truly accomplish the things that need to be done. Let us not sacrifice the excellence and quality of education in order to prove some numerical formula that someone may have figured out without really understanding what he was doing.

Mr. President, I think the amendment should be agreed to. I think it is necessary and I think the amendment exemplifies the basis of our entire system of government: One set of laws for all the people, no more and no less, with no complications.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, to sum up, amendment No. 463 simply provides that it shall be the policy of the United States that guidelines and criteria established pursuant to title 6 of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Act shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local agencies of any State without regard to the origin or cause of such segregation.

The question to be decided is simple. It is "yes" or "no," do you believe that the policies of the U.S. Government should be uniform in all the States? Do you believe, "yes" or "no," that Federal laws should be applied equally throughout the Nation?

However, there is another underlying question that will also be answered "yes" or "no" when that proposition is rejected or accepted.

That is the real question and issue the proponents of the substitute seek to avoid. That question is simple, "Is segregation right or wrong?"

Let us not be diverted from the central issue involved here. If segregation is wrong in the South, it is wrong in the North.

No study is necessary for a Senator to determine if he believes in that principle.

What more information is required, or would be helpful to a Senator to help him decide whether he would support that principle?

Do we not know what the facts are about segregation or integration in both the North and the South? Are those who propose further study suggesting that they do not know what the facts are about segregation or integration in the North—or the South?

If these facts are not available, and if they have not been available over the years, how then can it be said with conviction, as it has been said on the floor of the Senate, that the Supreme Court was right in 1954 when separate but equal facilities were struck down?

If a study is needed now to determine what the facts are about segregation, or integration in the North—or the South—on what grounds did those who proposed and those who now support the Civil Rights Act of 1964 base their arguments that the civil rights law was and is needed?

The cold, hard facts are: The proponents of this amendment do not really want a full study. They already know the facts. The record is full of facts. They want to avoid coming face to face on the floor of the Senate with the simple question: Is segregation wrong and, if so, what are those who believe it is wrong willing to do about it in their own home town, in their own home county, in their own home State?

This call for a study simply provides a way to avoid answering the question: Are we willing to do to all sections of the Nation what we have done to the South?

In short, this proposal for a study is a smokescreen, a maneuver, which the proponents are using to avoid taking their own medicine. I do not challenge their good faith. I challenge their judgment.

Moreover, there is nothing in this

amendment that authorizes one single investigation, or extends one iota of authority that does not now exist in both the Judiciary Committee and the Committee on Labor and Public Welfare. Either one of these committees can do everything that is authorized in this amendment.

Are the proponents of this study saying the Committee on the Judiciary and the Committee on Labor and Public Welfare have not sufficiently studied matters under their jurisdiction—specifically the matter of segregation in schools?

The proponents of this substitute argue that not enough facts are available on which to determine whether our present course is proper or improper.

They say in effect we do not know enough about the situation to say whether the present policy and practice regarding desegregation is right or wrong—good or bad.

They admit there is sufficient doubt to require a study.

That being true they should then be willing to cease and desist or at least suspend present disastrous practices until the facts are known.

The PRESIDING OFFICER. Who yields time?

REVISION OF UNANIMOUS-CONSENT AGREEMET

Mr. PELL. Mr. President, I ask unanimous consent that the time on the bill be extended from 5 hours to 6 hours, the reason being that there was some confusion last week when the decision was made. On both sides of the issue, we thought that 6 hours would be more desirable.

The PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I rise in support of amendment No. 463, the uniformity of application amendment. Frankly, I much prefer amendment No. 481, which embodies the New York statute, and which in effect would grant freedom of choice to parents and schoolchildren, which would prevent mass busing of students, which would prevent the change or alteration of school district lines in order to change the racial composition of schools.

Amendment No. 463 should be adopted. It is fair. It is just. It provides equal opportunity. It provides equal protection of the law. Lack of this is what we resent in Alabama.

We are not willing to accept as final a Federal public school policy which permits segregation in the North and which requires, by punitive measures, desegregation now in the South. We do not believe that this policy of denying equal protection of the laws to citizens of this country who reside in the South can long stand.

We resent very much that the Supreme Court of the United States, without so much as granting a hearing to the Governor of Alabama, acting on behalf of the people of Alabama, in presenting a petition to the Supreme Court raising the point that the people of Alabama are being denied equal protection of the law, threw out that petition.

Similar action was accorded a petition by the Governor of Florida, Gov. Claude Kirk, prompting the Governor of Florida to say that a convict, a convicted felon, could get the attention and the ear of the Supreme Court by writing some memorandum on the back of an envelope, but that the people of Florida could not get its attention; and causing the Governor of Alabama to say that a single Communist could get the ear of the Supreme Court, but that the people of Alabama, 4 million strong, could not.

The Governor of Alabama is in town today, along with several other southern Governors. They are here seeking to save the public school systems of their respective States.

I was interested in hearing the remarks of the distinguished Senator from California in behalf of the amendment. I believe that if the amendment should be adopted and the desegregation policies of the Federal Government were applied equally throughout the United States, we would find more support than is needed in behalf of freedom of choice, in behalf of the neighborhood school concept in our schools.

I resent the fact that in States outside the South segregation is growing, rising dramatically, whereas in the South desegregation is taking place. It will continue to take place, in an orderly fashion, if we are not required to have desegregation now through busing, through change of school districts, through mass transfer of students.

I have excerpts here from a study made by the regents of the University of the State of New York, the first one being dated January 1968, entitled "Integration and the Schools." I would like to read an except from that study, page 9:

PROBLEM GROWS

Despite the determination and significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it:

Racial imbalance *within* school districts is increasing in both suburban and urban communities.

This is in the great State of New York, demanding desegregation now in the South with segregation growing in both suburban and urban communities there—

racial census reports show that between 1961 and 1966, in the 41 school districts with the highest percentage of Negro pupils (exclusive of New York City).

Where the situation is weighted much more in favor of segregation—

the number of elementary schools with more than 50 percent Negro pupils increased from 60 to 72; the number with more than 90 percent Negro pupils increased from 25 to 33.

Racial isolation *among* school districts is also increasing. In this same period, the percentage of Negro pupils in one suburban district rose to 82 and in another, to 71. In three other districts, the percentage surpassed 50.

Then in December 1969, there was a review of the revised studies of the one taken some 2 years before, a restatement of policy, in which it is stated:

The efforts of the State of New York to eliminate segregation and to speed integration must be increased.

I believe the adoption of amendment No. 463 might give the State of New York some help in that regard. It might help them with the desegregation they say they want but are not getting—

Racial and social class isolation in the public schools has increased substantially during the past two years despite efforts to eliminate it.

That study was dated December 1969.

Then again, according to figures of HEW, 91.7 percent of the Negroes in Alabama attend schools that are majority black. The same figures show that in the city of Los Angeles, 95.3 percent of the Negroes attend majority black schools. In New York, 97.9 percent of Negroes attend schools that are majority black. In Gary, Ind., 96.9 percent of Negroes attend majority black schools.

In other words, there is a higher percentage of segregation in Los Angeles, Newark, N.J., and Gary, Ind., than there is in the State of Alabama. So I would like to know why it is the policy of the Federal Government to push desegregation on a crash basis in Alabama and throughout the South, but to completely ignore the situations in Los Angeles, Newark, N.J., and Gary, Ind., which are worse than that in Alabama.

Mr. President, as I understand it, amendment No. 463 would apply to the Northern States, States outside the South, the same desegregation policies that are now being applied in the South, whereas amendment No. 481 would allow us in the South——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask for 2 additional minutes.

Mr. PELL. I am sure the Senator from Mississippi would not object.

Mr. BYRD of West Virginia. Mr. President, has the time of the Senator from Alabama expired?

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. BYRD of West Virginia. Mr. President, on behalf of the able junior Senator from Mississippi, I yield the Senator from Alabama 2 additional minutes.

Mr. ALLEN. I thank the Senator very much.

Mr. President, by way of seeking to clarify the parliamentary situation and the effect of the amendment under consideration, which is amendment No. 463, the uniformity amendment, I understand, that it would apply to sections outside the South the same desegregation policies that are now being applied by the Federal Government in the South, whereas amendment No. 481, which I understand will be voted on after the pending amendment, would allow us in the South to enjoy the same freedom of choice that is now permitted the people of the Northern States. But I believe that the adoption of amendment No. 463 would make the Senators and the Representatives from sections outside the South more conscious of the need for adopting a policy of freedom of choice.

In my judgment, freedom of choice is the only answer to our chaotic school situation in Alabama and the South. With freedom of choice applied in a bona fide effort——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. ALLEN. Bona fide freedom of choice in the South would be the complete answer to our chaotic school problem in Alabama and the South, and I believe that through the adoption of amendment No. 463 we would check up to Senators outside the South the question as to whether they really want desegregation applied throughout the country, or only to the South.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, the question just asked by the Senator from Alabama, who has just finished speaking, is a very good question, and a very fair one, and it deserves to be asked and deserves to be answered.

I suggest that the proper answer is not the answer of the amendment of the Senator from Mississippi. I should like, for the senior Senator from New Jersey and I am sure many other Senators who are strongly opposed to the Stennis amendment, to present the case of those who want uniform desegregation of our schools throughout the country in an affirmative fashion, and not a negative one. Our effort is not to slow down desegregation all over the country, but rather to bring it about as quickly, as fairly, and as effectively as possible.

The issue we are facing today is marked by unnecessary confusion.

There is confusion over the various interpretations of the effects of the Stennis amendment.

There is confusion, I must say in all honesty, over the position the administration has taken in regard to this issue.

There surely is confusion, among the public at least, over differences between school segregation in the South and racial isolation in the North.

And there is confusion about the alternatives available to men and women of conscience in the Senate.

Some of this confusion is understandable.

I think it is difficult for any American who senses the grave injustice that racial isolation inflicts in minorities in the North to understand how that injustice differs from that suffered by those who are segregated as a result of State-fostered policies in the South. Discrimination is repugnant to Americans whether it flows from racist policy, personal insensitivity, neglect, or the heritage of generations of deprivation.

But no one should let his concern over the injustice of racial isolation in other sections of the country obscure the fact that our race relations have been—and continue to be—most scarred by the maintenance of dual school systems in the South.

Anyone who doubts that statement need only look at the figures I placed in the CONGRESSIONAL RECORD on December 8 last year. Those figures, which come from a study by the Department of Health, Education, and Welfare, show that 87.4 percent of the black students in Mississippi are enrolled in all-black schools while less than 1 percent of the black students in New Jersey are similarly enrolled.

As I said then, these figures do not—and should not—suggest that we ignore the problems outside the South. But they do demonstrate that the problem in the North should not be used as an excuse to dilute or destroy our efforts to obtain justice for all in the South.

I agree with President Nixon's statement that our school desegregation laws, and indeed all our laws, should be enforced uniformly in all parts of the country.

Nevertheless I am distressed, as I wrote the President during the weekend, that there is confusion about his statement in that it might be interpreted by some as support of the Stennis amendment, as support for the belief that we should ease our enforcement of the law in the South in order to bring about uniform enforcement throughout the country.

I do not believe the President's statement should be interpreted that way.

But, as far as the Senate is concerned, there should be no confusion about the alternatives available to us.

I have submitted to the President during the weekend, and to the Senate previously, a responsible plan to get at de facto segregation in the North without diminishing the efforts to eliminate de jure segregation in the South.

On February 4, I introduced legislation (S. 3378) which deals directly with the basic problem of improving educational opportunities for educationally deprived children wherever they live.

My bill would add to title I of the Elementary and Secondary Education Act a requirement that applicants submit plans to substantially reduce or eliminate racial, social, or linguistic isolation. This bill would be consistent with the views expressed by Dr. James Allen, U.S. Commissioner of Education.

My bill borrows from the principle established by Congress in adopting title VI of the Civil Rights Act of 1964 to deal with segregation stemming from State-fostered dual school systems. Just as the Civil Rights Act required illegally segregated school districts to submit desegregation plans in order to obtain Federal assistance, my bill requires them to submit plans to obtain Federal assistance, my bill requires them to submit plans to ending racial isolation in order to obtain aid under title I of the Elementary and Secondary Education Act.

This legislation, in my view, represents an affirmative approach to the problem which the Stennis amendment ostensibly is designed to meet.

I have not offered my bill as an amendment to the pending measure because I believe there should be consideration of this whole matter in a comprehensive way.

For example, we should consider the provision of special assistance to school districts to help them overcome racial isolation, just as title IV of the Civil Rights Act offers such aid to eliminate dual school districts.

It is my belief that consideration of the issues raised by my bill should not be forced to compete for the attention of the Senate with the many other important issues contained in the pending bill and the pending Stennis amendment.

We cannot develop responsible, considered legislation by merely patching faulty proposals. We can develop such legislation in appropriate hearings in the Labor and Public Welfare Committee or by a select committee established for that purpose, for that matter, as has been suggested informally and may be suggested formally before we are finished with this matter. In any event, I have had assurance that the subcommittee and the full committee will give consideration to my proposal and other proposals dealing with the whole subject, at the earliest possible date.

Mr. President, it is not necessary to adopt the Stennis amendment in order to make uniform our efforts over the country for the elimination of segregation in our public schools. Whatever its intention—and I leave that for the conscience of the individual Senators involved—the effect of the Stennis amendment would be to slow down the enforcement of the Supreme Court's decisions in school desegregation cases. To my mind, this would be a tragedy twice compounded—many times compounded.

Already, as the Supreme Court has lately said, the time for deliberation and deliberate action is gone. The time for consummation of this objective is at hand.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, the Senator has been one of the most diligent and one of the Senators with the greatest conscience on this issue for years. I must say that I derive great comfort from his view, because I know him to be a good enough lawyer to take precisely the opposite position if he felt that was justified.

As I understand his position—and I identify myself with it—you should not slow down desegregation in place A, which has such a centuries-old history of injustice, because you cannot go as fast as you ought to go—not like to, but ought to go—in place B; but the thing to do is to do our utmost to catch up in place B—to wit, the North.

Mr. CASE. The Senator is correct. I am grateful to him for the support of my position and for his speaking at this time. I do believe this. We should not slow down anywhere where special efforts are necessary in order to accomplish desegregation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. I ask for 1 additional minute.

Mr. PELL. I yield 1 additional minute to the Senator from New Jersey.

Mr. CASE. In addition, as the Senator has recognized and has been so kind as to indicate his approval, I suggest a specific way in which our education laws can be amended to bring about the most rapid possible desegregation everywhere

by requiring that applications for title I assistance contain provisions for the elimination of racial, social, and linguistic isolation.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1969. During that year, retirement and survivor benefit payments totaled $1.5 billion and were paid to some 1.5 million beneficiaries. Unemployment Insurance Act payments amounted to $97,000,000 and were paid to about 178,000 beneficiaries.

RICHARD NIXON.

THE WHITE HOUSE, *February 17, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 30 seconds?

Mr. PELL. Yes.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is the time situation?

The PRESIDING OFFICER. The 40 minutes remain on this amendment.

Mr. JAVITS. Divided how?

The PRESIDING OFFICER. One minute remains to the Senator from Mississippi, and 39 minutes to the Senator from Rhode Island.

Mr. JAVITS. Of course, the Senator from Mississippi has 2½ hours on the bill, has he not?

Mr. PELL. Three hours on the bill.

Mr. JAVITS. Three hours on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I just wanted to ask a question.

Mr. BYRD of West Virginia. In regard to the last question, the time on the bill is allotted to the majority leader and the minority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Shall we take a recess now? By agreement of the Senate, it would not count against either side.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time would not be charged to either side.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute on the bill.

Does any Senator wish to speak at the moment?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I am ready to speak. I have a speech which has been published and distributed. Senator RIBICOFF was very kind to stay here for a little while. But I have just checked it out, and the luncheon of the Republican Party is in process. It would be very inconvenient and quite unfair to try to do very much in the next hour. I am considering the interest of Members in this matter and their desire to hear the debate.

So I hope very much that the Senate will concur in what I believe will be the Senator's suggestion.

Mr. STENNIS. Mr. President, is the unanimous-consent request to recess until 2 p.m.?

Mr. BYRD of West Virginia. No unanimous-consent request has yet been made.

Mr. STENNIS. I concur in the idea that the object of speaking is that Senators hear the speaker. Very few Senators are in the Chamber. Many staff members are present. But I think a conference of the party could not be asked to adjourn, and I think we should recess.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask Senators if any Senator wishes to speak now. Hearing no Senator and seeing no indication that any Senator wishes now to speak, I ask unanimous consent that the Senate stand in recess until 2 p.m. today, and that the time consumed by the recess not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 12 o'clock and 57 minutes p.m.) the Senate took a recess until 2 p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. ALLEN in the chair.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 2036. An act to remove a cloud on the titles of certain property located in Malin, Oreg.

H.R. 8413. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes;

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes;

H.R. 13582. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes;

H.R. 14116. An act to increase criminal penalties under the Sherman Antitrust Act; and

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; to the Committee on Commerce.

H.R. 2036. An act to remove a cloud on the titles of certain property located in Malin, Oreg.; to the Committee on Interior and Insular Affairs.

H.R. 8413. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13582. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; and

H.R. 14116. An act to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes; to the Committee on Post Office and Civil Service.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum

and ask unanimous consent that the time not be charged to either side, with the understanding that I intend to call off the quorum in 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair would inform the Senate that 39 minutes of time remain; 1 minute controlled by the Senator from Mississippi (Mr. STENNIS) and 38 minutes controlled by the Senator from Rhode Island (Mr. PELL).

Who yields time?

Mr. PELL. Mr. President, I yield 20 minutes to the distinguished senior Senator from New York (Mr. JAVITS), the ranking minority member of the committee and my partner, in pushing ahead on this bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 20 minutes.

Mr. JAVITS. Mr. President, I am a little bit concerned about the fact that the Senator from Connecticut (Mr. RIBICOFF) is not in the Chamber. I have sent word to him. Can we have some idea as to his presence or absence? I should like very much to have the Senator in the Chamber before I go ahead and speak.

With the consent of all present, I ask unanimous consent to suggest the absence of a quorum for a short period, to give the Senator time to come into the Chamber, and ask that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I do this in respect to the desire of the leadership.

I am sorry that the Senator from Connecticut (Mr. RIBICOFF) is not present. But my remarks have been issued in writing, and I hope he will arrive in the Chamber before I finish, in the event there is anything I say that he wishes to challenge.

Mr. President, I would like to address myself to the Stennis amendment, No. 463, now pending before the Senate, with respect to the arguments made last week by the Senator from Connecticut (Mr. RIBICOFF) in favor of the Stennis amendment. The Stennis amendment provides that Federal desegregation laws "shall be applied uniformly throughout the Nation without regard to the origin or cause of such segregation."

Mr. President, the reason for my speech is that I am concerned that other pro civil rights Senators who would ordinarily vote against such an amendment may have been convinced by the charges made by the Senator from Connecticut, perhaps even misled by his contention that the Stennis amendment is the cure for "monumental hypocrisy in the North."

I make these arguments particularly in fairness to those who have worked with me for over two decades on civil rights laws. I make these arguments because I believe the debate needs to be placed on the level it deserves—the moral level—a level even higher than the Constitution itself for civilized men and women. Indeed, every American ought to face it and ask himself, whatever the law may be—what do I really believe in?

So in that respect I would like to say what I believe. I believe in quality desegregated education and I oppose the Stennis amendment because it will accomplish neither de jure nor de facto desegregation, and because I believe it will hinder both.

My position is as follows:

First, there is indeed separation of the races in too many of the schools of the North, but its cause, quality, and remedy differ markedly from the segregation in a State like Mississippi; and even to this day the extent of segregation is much more widespread, and resistance to desegregation much greater and more strongly entrenched—premised as it is in a "social order"—in the South than in the North.

Second, the Stennis amendment, far from remedying the problem in the North, will aggravate the situation in the South by delaying or aborting action already well underway there, will play into the hands of the opponents of ending separate school systems for blacks, and is both inadequate to, and inappropriate for, dealing with de facto segregation.

Third, the amendment itself will complicate enforcement of the Federal law against school segregation. And that I attribute to the clause reading, "Without regard to the origin or cause of such segregation."

Fourth. The Mondale-Javits substitute for the Stennis amendment is the best way to approach this highly emotional and controversial subject, and will provide a well-reasoned and effective answer to the problem in the North in a short period of time. The committee is to report by January 1, 1971, with an interim report in August.

DE FACTO AND DE JURE SEGREGATION

In the course of the last 6 years, we have been over this ground time and again. But it is crucial to an understanding of this whole problem that we are clear on the distinction between de facto and de jure segregation.

De jure segregation has been caused by State action of some kind, whether it has been a statutorily created dual school system in the South, or gerrymandered districts in the North. Let us remember that separate but equal was the social order in the South for nearly a hundred years before 1954. De jure segregation is forbidden by law and the Constitution and where it occurs—North or South—it is illegal and must be remedied.

We have had relatively few prosecutions in the North, because de jure segregation was never the social order in the North. We have had some where the Federal courts have found that there is de jure segregation and the interposition of governmental actions to secure segregation.

De facto segregation has been caused, not established, by factors other than State action—residential patterns, for example—and it cannot be reached by any Federal law now on the books. Because separation of the races in the North is primarily a de facto situation, the Federal Government has not been able to correct de facto segregation in the North with the effectiveness used to correct de jure segregation in the South.

We talk about gerrymandering in the North by a governmental authority for the purpose of having a separate school district for the white children or for the black children. That is reachable by the Civil Rights Act of 1964. And we have a right to beat the Department of Justice over the head if they have not prosecuted such a case. There is no dearth of law on that subject.

Mr. President, racial imbalance is de facto segregation, and let us be very clear that it has a grave and serious bearing on what we must do as honorable men of conscience and Senators of the United States.

I am the first to say that the end result of de facto segregation may indeed be as harmful as de jure segregation and that de facto segregation exists in the North. I am the first to say that, I, and I think every other civil rights Senator must ask himself whether that is equating the two different situations or whether it makes a difference in the way we legislate.

The Senator from Connecticut saw fit to charge that there are schools within "12 blocks" of my own home which are just as bad in New York de facto as they are in Mississippi de jure. One of the New York papers said its staff felt I was "put down" by this argument. I did not feel at all put down, but the situation in the schools to which the Senator from Connecticut referred leaves me with a feeling of sadness and dismay—of determination to face the very real moral issue raised by this debate.

That moral issue was covered this morning in the fine presentation of the Senator from New Jersey (Mr. CASE). It is simply this. Do we slow down desegregation in the South because of residential patterns and any other factors that exist in the North, or do we proceed wherever we can with the utmost diligence to bring about justice in this country with respect to the minority groups?

I feel that any kind of segregation should be eliminated at the earliest possible moment. I do not believe that we should slow down in any respect because we cannot go fast as we would like in some parts of the country because of the Federal Constitution or because of Federal law or some other respects.

In the course of my discourse, which I hope will not be too long, I would like to disclose to the Senate that we ourselves have slowed down the process of correcting racial imbalance or de facto segregation in the North, and that we had better look to ourselves before we complain about the inadequacy of State action. But any assertion that New York and Mississippi have identical situations and identical attitudes is patently invalid on its face. New York has never mandated separation of the races in the

schools, and New York has not permitted separation by law in this century.

The Senator from Mississippi (Mr. STENNIS) has pointed out that we had a vestigial law that remained on the books until 1938. It was no credit to my State at all that it was permitted to remain on the books. The fact is, however, that separate school systems have not been operated in New York in this century.

We apologize to the country, and I say so as a New York Senator, to have had such a vestigial law on our books as long as we did.

New York has been in the forefront in passing legislation designed to correct conditions which cause de facto segregation. We had the very first fair employment law in the country in 1945. The beloved Senator Irvin Ives, who sat in this Chamber, was one of the authors. We have a fair housing law since 1959 in New York. There have been many prosecutions under it and there has been much honest effort to correct the situation of discrimination which results from living patterns. New York has in many cases ordered busing to counter de facto segregation which was considered by educational authorities to be harmful to education and our State is now locked in a great controversy over how far to go.

Mr. President, this brings me to the New York statute to which the Senator from Mississippi quite properly referred. We had better be careful in defining our terms. That New York statute provides that only an elected school board, and not an appointed school board, may order busing in order to correct racial imbalance wherever educational authorities feel it interferes with the best education of the child. That is a far cry from a bar against all busing for whatever reason.

New York is currently having its elections. The only areas which have appointed school boards are Yonkers, Buffalo, New York City and Albany. They are the only ones that have appointed schools boards. New York City will elect its school board next year and Albany, after the 1970 census, will also be required to elect its board.

Dr. James Allen, who was the New York State Commissioner of Education, fought a long struggle along exactly this line. The best education of children sometimes requires busing.

Finally, the board of regents of the State of New York—our highest educational authority—has made a declaration which is strongly against the bill which the legislature passed and which the Governor signed which enables busing to be ordered by elected school districts but not by appointed school districts.

Mr. President, that is a far cry from the broad-gage charge made here that the amendment which the Senator from Mississippi (Mr. STENNIS) has introduced—his second amendment; or the order was switched—represents the New York law and that that eliminates any busing. I do not plead for busing. I know it is very difficult for many parents and I know there have been excesses. I am sure of that. There have been unduly long distances ordered, and so forth.

In the enforcement of what law are there not excesses, just as there are often underremedies granted? Somehow or other the courts have corrected the situation. Sometimes there are injustices, but one has to look at the forest and not at the trees in order to appraise a broad national situation like this, and one in which our Nation suffered for so long. That is what I ask in this situation. This is a matter of the strictest necessity. I agree it should be applied equally where the criterion is education, as it is where there is equal opportunity under the Constitution. That does not mean we should slow up on one because we cannot move as fast on the other.

Mr. President, I think the RECORD should show that the Senator from Connecticut is now in the Chamber. I am glad he is.

I must also disagree with the contention that all our efforts to bring equality to all citizens, and specifically the Federal fair housing law, have been "a sham and a failure." They are, to the contrary, good faith efforts which already have had an appreciable impact on the North. I was pleased to note one suggestion made by the Senator from Connecticut that suburban communities which take steps to provide public housing receive a Federal education subsidy similar to the impacted areas aid, because, as the Senator undoubtedly knows, I introduced that very proposal 4 months ago on October 14, 1969, and it is known as S. 3025. I feel that way very strongly.

I wholly deplore the restrictions we put on the North to desegregate their schools where there is de facto segregation.

Finally, if we consider only the school situation, and look at the exhibit of segregation in States like New York as opposed to Mississippi, we see how very much more serious is the situation in the South. I do not pick Mississippi for any particular reason. One can pick any one of a number of States. However, those have been the two States juxtaposed in the entire discussion. I ask unanimous consent to have printed in the RECORD pertinent excerpts from a table prepared by the Department of Health, Education, and Welfare showing racial separation by States.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1–A.—NEGROES BY STATE

[Number and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending: 0–49.9 percent minority schools		50–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,262,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Alaska	71,797	2,119	3.0	2,119	100.0	0	.0	0	.0	0	.0	0	.0
Arizona	366,459	15,783	4.3	5,272	33.4	10,511	66.6	4,349	27.6	3,344	21.2	790	5.0
Arkansas	414,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
California	4,477,381	387,978	8.7	87,255	22.5	300,723	77.5	185,562	47.8	115,890	29.9	27,986	7.2
Colorado	519,092	17,797	3.4	5,432	30.5	12,365	69.5	8,017	45.0	2,862	16.1	0	.0
Connecticut	632,361	52,550	8.3	22,768	43.3	29,782	56.7	9,601	18.3	2,254	4.3	328	.6
Delaware	123,863	24,016	19.4	13,025	54.2	10,991	45.8	5,177	21.6	593	4.0	0	.0
District of Columbia	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Idaho	174,472	415	.2	415	100.0	0	.0	0	.0	0	.0	0	.0
Illinois	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	294,066	72.4	252,225	61.1	156,869	38.6
Indiana	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	46,208	43.5	37,664	35.5	13,597	12.8
Iowa	651,705	9,567	1.5	6,994	73.1	2,573	26.9	340	3.6	340	3.6	0	.0
Kansas	518,733	30,834	5.9	16,479	53.4	14,355	46.6	9,820	31.8	6,264	20.3	2,327	7.5
Kentucky	695,611	63,996	9.2	34,389	53.7	29,606	46.3	17,025	26.6	9,021	14.1	3,342	5.2
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	19.1	279,614	88.1	278,260	87.8	259,897	81.0
Maine	220,336	1,429	.6	389	27.2	1,040	72.8	0	.0	0	.0	0	.9
Maryland	859,440	201,435	23.4	62,670	31.1	138,765	68.9	105,886	52.5	92,030	45.7	62,898	31.2
Massachusetts	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	8,558	18.3	4,936	10.6	79	.2
Michigan	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	128,116	46.4	78,319	28.4	24,720	9.0
Minnesota	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	0	.0	0	.0
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.2	207,515	92.7	206,736	92.4	197,447	88.2
Missouri	954,596	138,412	14.5	33,996	24.6	104,416	75.4	9,355	66.0	77,676	56.1	46,285	33.4
Montana	127,059	102	.1	102	100.0	0	.0	0	.0	0	.0	0	.0
Nebraska	266,342	12,340	4.6	3,364	27.3	8,976	72.7	4,321	35.0	674	5.5	0	.0
Nevada	119,180	9,189	7.7	4,883	53.1	4,306	46.9	3,626	39.5	699	7.6	0	.0
New Hampshire	132,212	537	.4	537	100.0	0	.0	0	.0	0	.0	0	.0
New Jersey	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	68,434	32.8	37,827	18.1	15,245	7.3
New Mexico	271,040	5,658	2.1	2,712	47.9	2,946	52.1	901	15.9	574	10.1	394	7.0
New York	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	169,401	35.8	100,899	21.3	35,637	7.5
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229.393	65.1	227,057	64.5	207,742	59.0

TABLE 1–A.—NEGROES BY STATE—Continued

[Number and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending 0–49.9 percent minority schools		50–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
North Dakota	115,995	458	.4	458	100.0	0	.0	0	.0	0	.0	0	.0
Ohio	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	123,127	42.8	93,775	32.6	37,861	13.2
Oklahoma	543,501	48,861	9.0	18,472	37.8	30,389	62.2	23,610	48.3	18,715	38.3	8,437	17.3
Oregon	455,141	7,413	1.6	4,689	63.3	2,724	36.7	0	.0	0	.0	0	.0
Pennsylvania	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	118,449	44.1	87,064	32.4	11,756	4.4
Rhode Island	172,264	8,047	4.7	7,196	89.4	851	10.6	0	.0	0	.0	0	.0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
South Dakota	146,407	384	.3	360	93.7	24	6.3	12	3.1	0	.0	0	.0
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Utah	303,152	1,486	.5	1,098	73.9	388	26.1	0	.0	0	.0	0	.0
Vermont	73,570	90	.1	90	100.0	0	.0	0	.0	0	.0	0	.0
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0
Washington	791,260	19,145	2.4	12,299	64.2	6,846	35.8	0	.0	0	.0	0	.0
West Virginia	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,157	5.7	841	4.1	841	4.1
Wisconsin	942,441	37,289	4.0	8,406	22.5	28,883	77.5	14,783	39.6	9,288	24.9	4,819	12.9
Wyoming	79,091	665	.8	482	72.5	183	27.5	0	.0	0	.0	0	.0

Note: Minute difference between sum of numbers and totals are due to computer rounding.

Mr. JAVITS. Mr. President, in every category, no matter what State one looks at it will be found that the proportions in the South are inordinately greater for Negro children attending 95- to 100-percent minority schools.

In Mississippi that percentage is 92.7 percent of the Negro children. These are the best figures we have for 1968. In New York that figure is 35.8 percent. I am not proud of the New York State figure. I do not like it but I think we should have a realistic view of the problem which exists here.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JAVITS. I would like to continue. Even in a State like North Carolina the figure is 65.1 percent as compared with the New York State figure of 35.8 percent.

Mr. STENNIS. Mr. President, will the Senator yield for a brief question?

Mr. JAVITS. If the Senator will permit me to finish it will make my argument hang together and then I will yield to the Senator from Mississippi to his heart's content.

Mr. STENNIS. I thank the Senator.

Mr. JAVITS. Mr. President, now I come to the argument of "monumental hypocrisy." Naturally, this is a very serious charge to make against anyone without "monumental proof." What about the "monumental hypocrisy" charge? Could it also be levied against those who have fought enforcement of the constitutional guarantees of equal opportunity every step of the way for the last 16 years in every court and legislative body and now appear as the champions of equal educational opportunity, asking only that it be vigorously enforced everywhere?

I might note in that connection that the attorneys general of these three States which have attempted to forestall desegregation of education for years now come before a Federal judge in California urging a faster pace of desegregation there.

I ask unanimous consent that a report of this proceeding in the New York Times of February 14, 1970, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SOUTHERNERS ACT IN PASADENA CASE—AIDES ASK COURT TO FORCE IMMEDIATE DESEGREGATION

(By Steven V. Roberts)

PASADENA, CALIF., February 13.—The Attorneys General of Mississippi, Alabama and Louisiana asked to intervene today in the historic Pasadena school integration case in an attempt to force the district to desegregate its schools immediately.

The three officials contended that since school districts in their states had been ordered to desegregate "at once," the same rules should apply across the country.

However, the Southern lawyers conceded that their real reason for intervening was to provoke a public outcry and "to get the Federal courts out of the operation of our schools."

Legal observers here said the intervention by the three states in the case appeared to be unprecedented. The three lawyers are A. F. Summer of Mississippi, Jack P. F. Gremillion of Louisiana and MacDonald Gallion of Alabama.

On Jan. 20, Federal District Judge Manual Real ordered the Pasadena school system to present an integration plan for its 30,000 students by Feb. 16, next Monday. The plan would not go into effect until September, however.

PERMISSION TO INTERVENE

In court this morning, Judge Real allowed the Southern lawyers to file a motion to intervene in the case as friends of the court. It will be heard on March 4, when the Pasadena integration plan is to be discussed in open court.

The judge also granted Pasadena a 48-hour extension, until next Wednesday, to present its plan.

In another action, the Pasadena School Board voted to approve the broad outlines of the integregation plan prepared by its professional staff.

The Pasadena case, which the Justice Department joined as a plaintiff last fall, is the first one in which a Northern school district was ordered to relieve racial imbalance caused mainly by residential patterns, rather than by legal discrimination.

Last Wednesday, Superior Court Judge Alfred Gitelson ordered the huge Los Angeles school district, the nation's second-largest, to submit an integration plan by June 1. The judge said the plan should be implemented no later than September, 1971.

In their brief, the Southern lawyers argued today that the plaintiffs in the case, three Pasadena school children, were not getting their full constitutional rights, since integration would not be mandatory here until next September.

"We do so with regret because we believe forced mixing of the races to bring about a ratio of the races in each schoolhouse in proportion to the ratio of the races in the school district is wrong, and contrary to previous court rulings, we do not believe it is required by the Constitution," they said. "However, we recognize that the Supreme Court has determined otherwise."

The brief continued:

"We realize that the ultimate goal of this honorable court and the Movants herein are perhaps not the same. The ultimate goal of the Movants is to get the Federal Courts out of the operation of our schools, and, within the limits of 'freedom of choice' plans where no child can be excluded from going to the school of his choice, regardless of his race or color, Brown v. Board of Education, 347 U.S. 483, the operation of schools be returned to the hands of local people."

Mr. JAVITS. Mr. President, further, in connection with the charge of monumental hypocrisy, what about the contemporaneous efforts to gain further delay, on the application of States themselves and not individuals, just at the same moment that better enforcement is sought? What about the monumental hypocrisy of trying to find some way to develop private schools, or to close the public schools, made by Governors of States, somehow to avoid the constitutional mandate of equal educational opportunity?

What about the unremitting attacks on the Supreme Court for its equal educational opportunity decisions, mostly unanimous decisions? What about the continuing efforts to evade the constitutional mandate with "freedom of choice," and similar plans?

Who is charging monumental hypocrisy to whom? We have a right to be saddened by these charges applying to anyone, anywhere. I reject any implication of insincerity to any responsible concerned American on either side of the issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 10 additional minutes?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, I have deeply searched my conscience on the subject. I reject any implication of insincerity of any concerned American on either side of the issue, but let us at least be made wiser by these charges. Let us remember two things. We are dealing with one of the most profound questions in American life. One-tenth of our population is the black minority to which we refer and there are other minorities as well such as Mexican Americans, Japanese Americans. We are also dealing with the final act of the Civil War. We are dealing with a deep and very important historic question: how to get over a deeply established social order which existed in the South for so very long.

These are the most profound questions which our country faces, and the most dangerous, because we must ourselves do justice under the Constitution and also satisfy the minorities who are so irked by what has occurred, to see that reasonable justice is being done. We all know that one-tenth of the population is a population which, like that of other Americans, needs to be persuaded that the Government is just, and should not be allowed to suffer under the feeling that the Government is unjust.

These are the issues. I do not claim to have the answers. I am only advancing my honest and sincere opinion as to the answers. But I sincerely submit that the charge of "monumental hypocrisy" to any person, North or South, as to how to deal with this problem is not advancing toward a solution.

I come now to the Stennis amendment itself. Let us consider the effect of the proposed amendment on existing conditions.

My colleague from Connecticut contends that the amendment, by providing that the guidelines apply equally in all parts of the country, will result in strong Federal action against de facto segregation in the North. As I have indicated, action against de facto segregation is specifically prohibited in the Civil Rights Act of 1964, in the Elementary and Secondary Education Act of 1965, in the last two appropriation bills covering the Department of Health, Education, and Welfare, and in this very bill, where my own committee had to include the inhibition against any busing to correct racial imbalance, because, without any question, that is the overwhelming sentiment in this Chamber, and no bill could be passed unless it contained that prohibition.

The pending amendment does not seek to repeal these provisions of the law; therefore I cannot believe that it is really a serious attempt to combat de facto segregation. The only way we are going to combat de facto segregation is by redistricting or busing. It is the only recourse where there are residential patterns fixed as deeply as they are in many places, and where it will take much longer to dissolve the residential patterns.

Even the President of the United States, in what I think was an admirable message, in an effort to bring us to the point where we would be talking about education instead of civil rights—which is desirable—himself said, and I quote from his message of yesterday:

"Desegregation plans should involve the minimum possible disruption, whether by busing or otherwise"—of the educational routines of children.

I do not think anybody differs with that statement, but it is a fact that every day 18 million children in the United States travel by bus to school, on 200,000 schoolbuses, and they travel 2 billion miles a year, and that is not a small percentage of the approximately 50 million children who go to public elementary and secondary schools—two-fifths of them.

If we do want desegregation of school districts which are in fact de facto segregated, let us understand first that racial imbalance and racial segregation mean exactly the same thing, and let us ourselves strike the shackles that would prohibit the Federal Establishment from enabling Northern States to deal with their problem.

One other question which we must ask ourselves is: What about the affected minorities? Are they not likely to believe, as they have right along, that justice deferred is justice denied? Let us remember that if we pass the Stennis amendment, it has, in its last clause, as the Senator from Rhode Island (Mr. PASTORE), with his customary astuteness picked up, language which will certainly be very material in interfering with our present activity with respect to bringing about compliance with the Constitution and the laws. That phrase "without regard to the origin or cause of such segregation"—and I am quoting from the Stennis amendment—would result in damming up the present presumption in the courts that where State action created the existing segregated condition, the constitutional mandate applies without further proof that State action was involved. That presumption exists. It would take a tremendous number of additional lawyers in the Department of Justice and an enormous amount of time if that presumption were overturned, if every case had to be treated as a case of first impression and had to be proved because of this amendment.

The Senator from Minnesota (Mr. MONDALE) and I have submitted a proposal to the Senate which I very much hope the Senate will look upon with favor. It is that a special committee composed of members of the Committee on Labor and Public Welfare, the Committee on the Judiciary, and the Senate at large will go into the question of de facto segregation—which I welcome—and, by January 31, with an interim report on August 1, provide us with recommendations as to what we can do about it here in the Federal Establishment.

I think that is an eminently practical suggestion. As I say, I welcome it. I believe most northern Senators will welcome it, to do what we can to help in a situation which is properly complained of, but which I can only see as an unreasonable slowing down in an area where we can act because we cannot move as fast as we should in another area.

Mr. President, we have a complex problem, for which the Senator from Mississippi has proposed a solution which is subject to a number of conflicting interpretations. They are: Are the guidelines in fact now applied equally, although to different conditions? Should there be a distinction between de facto and de jure segregation? Would the Stennis amendment strengthen enforcement in the North or weaken it in the South? Can the Congress do anything about de facto segregation without repealing a number of existing statutes? Indeed, can the Federal Government constitutionally act against racial separation where there is no hint of State action? Will the Stennis amendment, which applies only to the guidelines of the Department of Health, Education, and Welfare, have any adverse effect on Justice Department suits or private suits?

Finally—and perhaps most crucial of all—has Congress been circumscribed by the Green decision, which eliminated freedom of choice plans and mandated affirmative action in de jure situations? Even if we wanted to return to freedom of choice in the South, can we constitutionally do so? It is obvious that not one of these questions can be answered easily or immediately, and that floor debate will not clarify the situation easily. The problem is critical, not only to ourselves, but to our children and grandchildren, not only in the South but throughout the country.

I think the Senator from Minnesota (Mr. MONDALE) has offered an opportunity—in which effort I have joined—to give the problem the study and consideration which it deserves, and that we ought to accept that opportunity.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. I have examined the pending amendment, and I am at a loss to find that its passage would really change anything. What is a policy? Congress can properly enact a law, or Congress can adopt a resolution expressing the will of the Senate or the sense of the Senate; and, of course, it can declare a policy. But suppose a policy is declared, what is a policy? What effect in law does a policy have? Would the Senator mind responding to that question?

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, could I have 5 additional minutes?

Mr. PELL. I yield 5 additional minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think the Senator raises a very pertinent point. It is a sense of Congress resolution. It may have the force of law because the courts, in making the presumption that they do with respect to these cases in States where State action has brought about separate school systems, are also following, one might say, a policy.

The courts could take the Senator's line, and reject this provision, and say, "It is nothing but a statement of policy, of the sense of Congress; it is not binding upon us as the law. We still indulge in this presumption because that is the law."

Mr. GORE. Will the Senator yield further?

Mr. JAVITS. I yield.

Mr. GORE. If it is not binding upon Congress or the people, it is not binding upon the courts. I can agree with the Senator that a sense of the Senate resolution, or a resolution, or a bill declaring it to be the will of the Senate, the sense of the Senate, or the policy of the Senate, may contribute to the political climate. But I find no operative clause in the pending amendment that would substantially and fundamentally change any law whatsoever. It might show a change in the political climate which the court could take into consideration if it so desired, but there is no necessity that it so do.

Mr. JAVITS. As I say, it is susceptible of that interpretation, but I think the best answer to the Senator's inquiry is to say if that is the case, why have it at all?

The bill provides, on page 151—and I invite the Senator's attention to it—for uniform application of all rules, regulations, and guidelines in all the 50 States. The bill now contains the prohibition against busing to correct racial imbalance, which is what we have always provided in these bills, for a number of years.

Therefore, if it is only a sense of Congress resolution, and can be disregarded at all levels, why pass it and raise the issue, so that it may be used by courts which choose to do so, until it gets to the Supreme Court, to bedevil the efforts which are now going on?

That would be a legitimate argument.

Mr. GORE. A law enacted by Congress obviously applies to every State and every citizen of every State. I do not know that that is changed by a declaration of the Senate, whether we call it a political statement, a sense of the Senate resolution, or a sense of Congress resolution, or a declaration of policy.

Mr. JAVITS. Would the Senator allow me to state one point of fact?

Mr. GORE. I yield.

Mr. JAVITS. When I served on the Appropriations Committee, we provided that the same number of staff personnel in the Department of Health, Education, and Welfare should operate everywhere else in the country as operate in the South on this issue. As a matter of fact, that has been accomplished. I have some figures which indicate that.

But, Mr. President, obviously the greater bulk, by far, of the litigation has come about in places where the segregated school system was basic and inherent in the law and in the social order of the communities, so that, up to now, though there has been an assignment of personnel which is equal in both places, that fact has not yet been manifested in litigation.

In addition, there is probably not as much ground for litigation in other areas because they do not have this heritage. But, as I say, the reason that I must oppose the amendment is that I feel that it will only bedevil the situation; and if it adds nothing, so much the more reason for rejecting it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 additional minutes.

Mr. PELL. I yield 2 minutes to the Senator from New York.

Mr. CASE. Mr. President, would the Senator reserve one-quarter of a minute for me?

Mr. JAVITS. We have time on the bill.

Mr. GORE. Will the Senator from New York yield further?

Mr. JAVITS. I yield.

Mr. GORE. The effective way to deal with the subject, of course, is a prohibition on the use of appropriated funds. This Congress considered late last year, I believe in December. I voted for the proposed provision. It lost.

I am in a quandary about the pending resolution, and the quandary is whether it does something or whether it does not, which seems to be entirely problematical.

Mr. JAVITS. I thank my colleague.

Mr. President, I have given about as much enlightenment as I could. I ask the Senator from Michigan (Mr. GRIFFIN) if I may have 2 minutes on the bill.

Mr. GRIFFIN. I yield the Senator 2 minutes on the bill.

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE. Will the Senator just permit me to say it is a very great comfort to have his statement on this proposition, because not only is he right in fact, but he has made it very clear that there is an intellectual correctness about his position in opposition to this amendment that, to me, is unassailable, and it is important that we understand this, because the amendment has a surface appeal that has, I am afraid, taken some of our colleagues into camp. The Senator's stringent, clear, and pertinent answers, purely on the intellectual side, to say nothing of the practical side and the side of human compassion, has been one of the great contributions to this discussion.

Mr. JAVITS. I am very grateful to my colleague from New Jersey. I do not know of any Senator whose opinion I more greatly revere.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, will the majority leader yield me 10 minutes on the bill?

Mr. MANSFIELD. Mr. President, I shall be happy to yield time to the Senator, but I would like to get a few things straightened out before I do so; so at this time I yield myself such time on the bill as I may require.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I am delighted to yield.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I wonder if the majority leader would indicate to us what he anticipates, in his schedule of activities for the rest of the day, or the rest of the week, perhaps.

Mr. MANSFIELD. Mr. President, we have all returned from a 3- or 4-day recess, and I anticipate that the Senate will be in rather late this evening and that it will be actively engaged.

I might say there was a mixup concerning the recess until 2 o'clock this afternoon. We lost an hour and 5 minutes. Rather than operate on that basis in the future, I think we ought to just not meet on Tuesdays. We are paid to do the work of the people. I think we ought to stay in session and make every effort to perform that task. If need be we will stay late and work Saturdays as well.

I would also like to state to the Senate, after discussing the matter with the distinguished acting minority leader, that it would be our intention to come in early tomorrow, so that we can get on with this bill, to be followed by a labor and management bill, a school lunch bill, an airport bill, a voting rights bill, and a Supreme Court nomination. We would like to cooperate with the administration to get the legislation which it desires brought up, debated, considered, and disposed of. We would like to get out at a reasonable time; but if we are going to achieve the objectives which the joint leadership set out—we thought with the full approval of the Senate—we will have to work a little harder and pay a little more attention to the issues which come before us.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. At this time, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. MANSFIELD. I hope that I have answered the questions of the distinguished acting minority leader. I now yield 15 minutes to the distinguished Senator from Mississippi, and the remainder of the time will be under the control of the manager of the bill.

Mr. STENNIS. Mr. President, will the Senator enlarge on that? By "the remainder of the time" does he mean the time on the bill?

Mr. MANSFIELD. On the bill, yes.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, it has been over 6 years since I have addressed myself on this floor to the subject under discussion today. I do it today as reluctantly as I did it 6 years ago.

I, as an American, have always deplored segregation or discrimination. I have always doubted that legislation would fully answer the problem. I still

have those doubts, after watching the laws operate for the last 6 years. I think they have helped, but I do not think they have solved the problem, nor do I think they are really getting at the problem.

I have seen segregation practiced in Africa. I have seen segregation practiced in Asia. I have seen it practiced all over the world. I have seen it in the United States—in the North, in the South, in the East, and in the West, between black and black, white and white, white and black, and black and white. I have seen it practiced between religions. Mr. President, it is an ugly thing.

I say today what I have said before: I do not think the evils of the world are ever going to be solved until man, himself, makes up his mind to end discrimination, regardless of what form it fits in.

Mr. President, so that I might have my Republican position clear, I look back at the platform of 1964, in which it is stated:

> Full implementation and faithful execution of the Civil Rights Act of 1964, and all other civil rights statutes, to assure equal rights and opportunities guaranteed by the Constitution to every citizen;
>
> Improvements of civil rights statutes adequate to changing needs of our times;
>
> Such additional administrative or legislative actions as may be required to end the denial, for whatever unlawful reason, of the right to vote.

I quote that from the Republican platform of 1964.

I look at the Republican platform of 1968, and this is what President Nixon ran on and we Republicans stood for and stand for today:

> We call on public officials at the federal, state and local levels to enforce our laws with firmness and fairness. We recognize that respect for law and order flows naturally from a just society; while demanding protection of the public peace and safety, we pledge a relentless attack on economic and social injustice in every form.

I think that the President has made it adequately clear that the continuing policy of the Republican Party is as it has been ever since its inception, to attack segregation in any way we can; but I think it is going to be attacked successfully, regardless of how much study we do in this body, by a man making up his mind to end it himself.

I would like to see if I am correct with respect to the President's position. He says:

> 1. The Administration's position on the voting rights legislation now pending before the United States Senate is one of full support for all the provisions of the measure passed by the House of Representatives.
>
> 2. The President has consistently opposed and still opposes, compulsory bussing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.
>
> 3. School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.
>
> 4. It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of his Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

Mr. President, I am addressing myself to the original Stennis amendment. I am not addressing myself to what may or may not happen to the Mondale-Javits amendment or any amendments Senator STENNIS or others might call up. But it is impossible for me, as a U.S. Senator, to understand how any Senator or other Member of Congress can oppose the clear application of the law.

If these laws are good for the South, they are good for the West, for the North, and for the East. It is as simple as that. It amazes me to hear some of my colleagues argue that we should have a certain standard of law for the West and another standard of law for the South.

I happen to live in a section of our country that is not plagued tremendously by this problem, and I deem myself to be most fortunate in that respect. I am not as intimately acquainted, therefore, with all the problems that exist in the North or in the South relative to segregation or integration. But I do say—and I say this with all the firmness at my command—that we are not gathered here to see how we can apply law in a different way to one State or to another State. We are gathered here, in my opinion, to see what laws can be passed to do the most good for the most Americans, and that is our only function.

I think we are serving only one purpose here: We are serving to divide these United States of ours at a time when they do not need dividing. We need unity in this country more than we have needed it at any time in our history. When we get into these little divisive things, when we decide that the North is guilty of this, the South is guilty of this, the West is guilty of this, and the central part of our country is doing something else, we are dividing the American people.

I think the time has come—and I will conclude with this—that we, as Senators and Members of Congress, and that we, as American citizens, make up our minds to start living the life we should live relative to our brothers.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 6 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall vote for the amendment offered by the Senator from Mississippi because I believe it is a correct statement of principle—first, as it supports the equal application of the laws and, second, as I believe I can demonstrate, that it is a correct statement of constitutional development of the law in school desegregation since the Brown case decided in 1954.

Mr. BYRD of West Virginia. Mr. President, will the Chair ask the staff members and Senators to take their seats?

The PRESIDING OFFICER. Staff members will be seated, and Senators will take their seats.

Mr. COOPER. I listened with great interest to the speech of my friend and colleague, the Senator from New York, because it is not often that we have disagreed upon matters of civil rights, and I always have great respect for what he says for his legal ability and the conscience which directs him. He has enumerated the great difficulties—and they are many—which attach to the interpretation of the Stennis amendment. Many of us may have different reasons for our interpretation, but because it may present great practical problems in the future, I do not think we can be asked not to vote directly upon nor to express our views.

I said a moment ago that I believe that the Stennis amendment expresses a correct interpretation of the law of desegregation in the schools since the Brown decision.

The Brown decision, it will be recalled, held that black schoolchildren in segregated schools were denied the equal treatment of the law and that they must be desegregated. It was based upon the 14th amendment—that they had been segregated by State law and thus were denied equal protection of the law.

I agree with the Senator from New York that, so far as de jure situations are concerned, de jure situations in the North, in the South, in the East, in the West, or anyplace else in this country, are within the jurisdiction of the courts, that the courts will act—HEW can act—to insure that action of the State or its agent, the school board, which establishes or continues segregation must be removed, that desegregation must be ordered. But when we come to the question de facto; this issue is where I believe we have gotten ourselves into trouble and, if I may say, where some of the lower courts of this land have gotten into trouble.

I have read the HEW guidelines. If one reads the guidelines, he will find nothing which states that the HEW shall move into a de facto situation.

There is no holding by the Supreme Court yet, whether de facto situations fall under the 14th amendment and come under the jurisdiction of the courts. There is no holding yet on busing by the Supreme Court. There is no holding yet as to the constitutionality of freedom of choice. But there is a difference in the application of guidelines by HEW. In the North, several courts have held—at least in some district and circuit courts—notably in the case of Deal against School board of Cincinnati—that they will not take jurisdiction in a de facto situation in that circuit and in other circuits. But in the South it has been argued in the lower courts, that because Southern States had before the Brown decision, from the Civil War enforced segregation by law, such States and school districts have an affirmative duty to act in situations, which would certainly be de facto districts in the North.

I would say that the correct interpretation of the amendment, and it should

be of the courts, that if they are to move into a de facto situation in the South, the courts and the country must move that way all over the land. If the court holds that a de facto situation is outside the 14th amendment in the North, then the holding should apply to North and South as well.

My judgment is that by coming to this point in debate, making our views known, we may cause the courts and HEW to develop lines which are applicable to de facto situations in all parts of the country and at least to see that the holdings of the courts are applicable throughout the country. I know that they will be complex to deal with. I agree with the Senator from New York that if the courts require desegregation in de facto areas, it will probably compel busing.

I oppose another amendment of my good friend from Mississippi dealing with freedom of choice. Freedom of choice as a sole criterion would enable a student or his parent to bus to get out of desegregated schools in order to get into segregated schools. It could preserve segregation. I emphasize that the application of the law as to de jure situations throughout the whole Nation is the same, but it is not the same as it relates to de facto situations. This the Stennis amendment will correct, but it will not reduce or inhibit enforcement against de jure situations in the South as has been alleged.

For the following reasons I shall vote for the amendment: First, because I believe it is a statement of principle supporting the equal application of laws; second, because I think it represents a proper interpretation of the Brown case; and third, because I believe it may lead, and I hope that it will lead, to further studies and work in this body, in HEW, as well as in the courts, to find a remedy for the problem of de facto segregation.

I need not say that I have supported civil rights legislation during my service in the Senate, by my vote, by submission of amendments long before 1969—whose substance are found in the Civil Rights Act of 1964.

Mr. GURNEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield 6 minutes to the Senator from Florida.

Mr. GURNEY. I do not think that I will take that long.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The Senator from Mississippi has 5 minutes remaining.

Mr. STENNIS. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GURNEY. Mr. President, as the Senator from Mississippi so well knows, I wholeheartedly support the pending amendment which would apply equally throughout the land in the Civil Rights Act of 1964, and the Elementary and Secondary Education Act of 1966.

Mr. President, I spent the past weekend in my home State, traveling around a great deal. I found that the issue uppermost in the minds of most of my constituents is this very amendment and the issues we are debating in the Chamber today.

At the time that I was holding a news conference and discussing these matters in Miami, President Nixon released a statement in the neighboring town of Key Biscayne on this very matter. I think it is well to develop this here. That is what I want to bring out at this time. In regard to President Nixon's position and the administration on this very matter, I quote the President's release:

> It is the view of this administration that every law of the United States should apply equally to all parts of the country.

Of course, in making that statement, he was making it specifically as to school desegregation policies.

In the same statement, it reads that it is the President's desire also "to preserving rather than destroying the neighborhood school concept."

And also:

> The President has consistently opposed, and still opposes, compulsory busing of schoolchildren to achieve racial balance.

Then finally, the statement reads—Ronald Ziegler speaking for the President:

> The President maintains his view that it is well to have children go to schools as near as possible to their homes.

Of course, in an integrated system.

They are speaking to this whole subject and the President reiterates what he said in his 1968 campaign, that it is his view and the administration position, as he understood that language, that the desegregation laws should apply all over the United States.

Mr. President, I do not rise here to attempt to speak for the administration. I do rise because of what the President said at a press conference a few miles away, at the same time I was in Miami, a few days ago.

If I can understand the English language at all, that language says to me that the President is supporting, and the policy of the administration is certainly in favor of the language of the pending amendment.

I certainly hope that those on this side of the aisle will vote for it, as I intend to do.

Mr. BAKER. Mr. President, will the Senator from Mississippi yield me 2 minutes?

The PRESIDING OFFICER. The Chair would advise the Senator from Mississippi that he has 1 minute remaining.

Mr. STENNIS. Mr. President, will the Senator from Rhode Island yield me 10 minutes on the bill?

Mr. PELL. I am happy to yield 10 minutes to the Senator from Mississippi on the bill.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 additional minutes.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi for yielding this time so that I may pay tribute to an important statement on an important issue just made by the senior Senator from Kentucky (Mr. COOPER).

Mr. President, those of us who live in Southern border States, States of the upper South, are extraordinarily careful to make sure that our positions on civil rights are carefully scrutinized, not only as to the merits and the equity of a particular situation but also because, unfortunately, in some quarters, statements made by those of us in this body who come from the South and near South are interpreted differently from the statements of those representing other parts of the country.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber? Would the Chair enforce the rules of the Senate with respect to order and decorum in this Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is instructed to ask all unauthorized persons to take their seats.

The Senator from Tennessee may continue.

Mr. BAKER. I thank the Chair. I reiterate, for the sake of continuity, that those of us from the South, the near South, and border States sometimes must examine our utterances on civil rights issues more carefully than some of our colleagues who are not from the South, the near South, or border States. Especially is this true, I think, as to the statement made by the distinguished senior Senator from Kentucky (Mr. COOPER) and its importance to this debate.

It is important because as a southerner, as a Member of this body from a border State, the State of Kentucky, no one, I believe, can cast any aspersions on his record in the field of civil rights.

Mr. President, I make no bones of the fact that since I came to the Senate I have tried carefully to follow and carefully to analyze the positions taken by the distinguished senior Senator from Kentucky (Mr. COOPER), because I believe they have been judicious positions, carefully taken to advance the cause of total equality, without making any part of the country subservient to challenge or criticism by any other. Therefore, I think the scholarly, lawyerlike, and judicious utterances of the distinguished Senator from Kentucky are especially appropriate to this debate.

I wish to add my voice to his and state that, whether we like it or not, there is an appeal in de facto segregation to nonuniformity in the application of the judicial laws of this country.

This amendment, as supported by the distinguished senior Senator from Kentucky, and by many colleagues on both sides of the aisle, will do much to make sure that there is no discrimination between sections of this country in the matter of the universal goal, which I support, and I believe most colleagues here support; namely, that of absolute equality.

Mr. PELL. Mr. President, I yield 2 minutes to the distinguished Senator from Pennsylvania, the minority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I send to the desk an amendment in the nature of

a substitute for amendment No. 463 and ask that it be stated.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania that the amendment is not in order at this time.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Do I correctly understand that no substitute is in order to a pending amendment until all time has been exhausted on the original amendment?

The PRESIDING OFFICER. The Senator is correct. The Senator from Rhode Island has 2 minutes remaining.

Mr. STENNIS. Mr. President, if the Senator from Rhode Island would yield, I had promised the senior Senator from Tennessee that I would yield him some time.

Mr. PELL. Perhaps we could yield the Senator 3 minutes.

Mr. STENNIS. Mr. President, I yield 5 minutes to the senior Senator from Tennessee.

The PRESIDING OFFICER. The senior Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, it is my view that the amendment would be greatly improved if the first nine words of the amendment were stricken. The amendment would then have an operative clause and would not then be burdened with language which renders the amendment a policy statement.

Mr. President, I think it is unconscionable that any law of the United States of America is unevenly applied. We are one country. I find the distinction between de jure and de facto segregation tenuous and the splitting of legal hairs.

I would like to see the amendment altered. I call this to the attention of the author.

I cannot find myself voting against the amendment, even if it be nothing more than a policy statement. I must say that I do not know what effect in law a policy statement has, if any. But the fact that it proclaims the policy of Congress, which I understand is the policy of the Constitution, that all laws apply to all citizens of the United States and all States and all communities thereof.

I shall therefore support the amendment. But I suggest to the distinguished author of the amendment that in my opinion if following the last word of line 3, he would put a capital "G" and start the amendment there, he would then have an operative amendment unburdened with the limitation of being a policy statement.

I agree with the statement of the distinguished senior Senator from Kentucky and my colleague, the senior Senator from Tennessee. This may contribute to the political climate. It is not binding on the court or on a Federal officer. But it could be taken into consideration if agreed to in its present form. But I respectfully suggest that it would become operative and effective if amended as I have suggested.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. All the time allotted to the Senator has expired. The Senator has 3 minutes remaining of the time allocated to the bill.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Mr. President, I have the floor.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield.

Mr. JAVITS. Mr. President, to be sure that the time does not go by for offering a substitute, at what point can a substitute be offered?

The PRESIDING OFFICER. It is in order now, at any time the Senator can be recognized.

Mr. STENNIS. That has already been covered. A point has been made that I want a chance to answer. I ask for time, which I am sure will be granted. I understand that a substitute will be offered. The parliamentary situation would be, if we close the time on the amendment, that the time would start running anew, as I understand it, with an hour on each side on the substitute.

The PRESIDING OFFICER. The Senator is not exactly correct. If an amendment is offered which the manager of the bill does not accept, then each side would have an hour, one for the manager of the bill and the other for the proponent of the amendment.

Mr. STENNIS. In the event a substitute is offered which the manager of the bill does not accept, or the proponent of the amendment does not accept?

The PRESIDING OFFICER. Which the manager of the bill does not accept.

Mr. STENNIS. If the Senator would yield further, does the manager of the bill have the authority to accept or reject a substitute over the protest of the author of the amendment?

The PRESIDING OFFICER. The Chair will read from the unanimous-consent agreement printed on the calendar:

> Debate on any amendment, motion, or appeal except a motion to lay on the table, shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill or their designees.

Mr. BYRD of West Virginia. Mr. President, which side is being charged with time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I will object unless the distinguished manager of the bill wishes to have a quorum call with the time to be equally divided between both sides, in which case I would not object.

Mr. SCOTT. Mr. President, if I may, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided and taken out of the 6 hours allotted to the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I send to the desk an amendment in the nature of a substitute and ask that the amendment be stated.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Pennsylvania (Mr. SCOTT) proposes an amendment as follows:

On page 45, between lines 4 and 5, insert the following:

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race . . .

Mr. BYRD of West Virginia. Mr. President, we cannot hear the clerk read the amendment.

The PRESIDING OFFICER. The Senate will be in order. The clerk will restate the amendment.

The assistant legislative clerk read as follows:

SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that on local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

Mr. SCOTT. Mr. President, I wish to ask that there be a restatement of the allocation of time.

The PRESIDING OFFICER. The Chair will again read the unanimous-consent agreement:

> Debate on any amendment, motion, or appeal except a motion to lay on the table shall be limited to 2 hours, to be equally divided and controller by the mover of any such amendment or motion and the manager of the bill or their designees; *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or some Senator designated by him.

Since the minority leader has proposed the amendment and since the Senator from Rhode Island (Mr. PELL) is in agreement with the amendment, the Senator from Pennsylvania, under the agreement, would have the authority to designate someone to control time in opposition to the amendment.

Mr. SCOTT. Mr. President, as I understand it, if I may put it a little more equitably, the Senator from Pennsylvania

reserves 1 hour as the sponsor of the amendment and suggests respectively to the Senator from Rhode Island that he yield 1 hour on the other side to the author of the original amendment.

The PRESIDING OFFICER. That would accomplish the same end.

Mr. JAVITS. Mr. President, I have one other point. I do not think a designation of time can be yielded out unless it is unobjected to. Therefore, in order to give the Senator from Mississippi (Mr. STENNIS) flexibility, I ask if he may yield time to others.

Mr. SCOTT. I do not think the Senator from Mississippi will object to that. Does the Senator from Mississippi have any objection with regard to the 1 hour yielded to him that he reserves the right to yield from that time such amount as he may desire to other Senators?

Mr. STENNIS. Oh, yes. That is why I wanted the time yielded.

Mr. SCOTT. That is what I thought.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, the purpose of the amendment is to secure equal application of the laws. The amendment is in two parts. The first part states that "guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local education agencies of any State." The second part states that "no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

There is so much interest in this matter and there has been so much controversy about it that the purpose of the amendment is to seek the widest possible area of support for the propositions involved in the two parts of the amendment. This amendment, I am authorized to say, has the approval of the Secretary of Health, Education, and Welfare, Mr. Finch. Therefore, I think quite justly, as well, that he feels it is the position of a just and fair administration.

I may wish some time at a later period but at this point I am glad to yield to the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question first?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, I yield myself 1 additional minute so that I may reply to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, the Senator said that Secretary Finch supports the amendment. I wish to quote from Mr. Finch's speech of last Saturday in Boston:

> There is need to extend the provisions of integration, nationally. I think the North has been guilty of a certain amount of hypocrisy. Senator Stennis was perfectly in order in making his amendment.

If Mr. Finch is correctly quoted he was certainly pleading and warning that provisions of integration be extended nationally. Where does this amendment which the Senator offers extend to anything nationally? I submit it covers de jure, so-called, and that is all.

Mr. SCOTT. The amendment clearly states that it shall be applied uniformly in all regions of the United States.

Mr. MONDALE. Mr. President, will the Senator yield to me for 10 minutes?

Mr. SCOTT. I yield 10 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I am pleased to rise in support of the amendment offered by the Senator from Pennsylvania. Earlier the Senator from New York (Mr. JAVITS) and I had proposed creation of a Select Senate Committee on Equal Educational Opportunity as a substitute for the pending Stennis amendment. I will offer this amendment later, not as a substitute to the Stennis amendment—which I hope will be substituted by the Scott amendment—but on its own merits, I will do so because I do believe that even with the adoption of the Scott amendment the profound national problems relating to de facto segregation will have been dealt with effectively by the Congress and the country.

The Stennis amendment, in my opinion, is not designed to establish a national policy on de facto segregation. It does not remove existing prohibitions against the transportation of students to overcome racial imbalance.

Thus, the amendment, if it were agreed to, would appear to establish a uniform national policy concerning de facto segregation but provide no remedy. It utterly defies the imagination how one would enforce it. It is a declaration without a remedy, so why offer the amendment? It is an amendment which does nothing at all about the national de facto segregation problem of which the Senator from Mississippi and other Senators speak.

The answer is that this amendment is designed principally to stall elimination of dual school systems in the South. That is why it has been introduced. That is why, if it is agreed to, the national program to eliminate the disgrace of separated school systems will be imperiled. Why do I say this? I quote from a typical story published in the Atlanta Constitution last Saturday:

> A source close to Senate strategists said the Dixie bloc hope the amendment—
>
> The Stennis amendment—
>
> might help Southern school districts facing said desegregation plans. Armed with the amendment a Southern school board might contest an integration order on the grounds it should not have to desegregate until Chicago, Detroit, or New York did.

In other words, the distinction between de facto segregation and de jure segregation would be eliminated if the Stennis amendment were successful. Yet, no remedy would be provided to eliminate de facto segregation and dual school systems would resist anything being done with respect to de jure segregation until similar—yet prohibited—actions with respect to de facto segregation were taken.

This defense would be raised in courts throughout the South, and it would be raised by powerful political leaders to resist efforts by the Department of Health, Education, and Welfare and the Department of Justice to eliminate the dual school system in the South.

That is the mischief, and that is the purpose, of the amendment offered by the Senator from Mississippi. It has nothing at all to do with de facto segregation. If it were passed, there would be nothing that could be done about de facto segregation. All it would do would be to put a new weapon in the hands of those who have spent their careers fighting to preserve the dual school system in this country.

That is why I believe the amendment offered by the Senator from Pennsylvania deserves the support of the Senate. It would continue to make clear the distinction between the two types of segregation, one which is officially declared and supported by government—de jure segregation—and the other which arises by virtue of adventitious events such as segregated patterns of living, but not official policy—so-called de facto segregation. So I strongly and enthusiastically support the amendment offered by the Senator from Pennsylvania.

Having said that, however, I believe we must honestly admit that the Senator from Mississippi, and the Senator from Connecticut, and others are on very strong ground when they say this is a national problem; that de facto segregation is a major national problem which requires an adequate response.

We do not know what that response should be. We have not adequately focused on this issue; there have been no adequate hearings; there has been no effort to grapple with this problem to the extent that this profound issue requires.

Therefore, after the substitute amendment offered by the Senator from Pennsylvania is adopted, I will propose an amendment, with the sponsorship of the Senator from New York, to create a select Senate Committee on Equal Educational Opportunity, to focus on the problem—and it is a national problem, found in the South as well as the North—of de facto segregation, and to see what kinds of Federal policies should be applied to deal with this problem. To what extent can racial imbalance be dealt with? What is the relationship between this issue and fair housing? What is the relationship between this issue and equal employment opportunities? What is the relationship between this and the location of low-income housing in places other than the core parts of American cities? What is the relationship between this issue and the quality schools in the American ghetto?

There is no question that most schools in the ghettos are an utter disgrace. In addition, many children who go to ghetto schools have been ruined by hunger and deprivation before they enter school. This problem is compounded by utterly overcrowded and inadequate school systems in most ghettos. So we cripple these children, we deny them the tools to get out of their circumstances, and then we condemn them because they appear to be inferior.

I think the fundamental answer to de

facto segregation is a national policy coupled with real efforts to make those schools among the most excellent schools in the country, so these children can be given the kind of tools and the kind of motivational force that will enable them to break out of this disgraceful condition in our American cities.

We do not have the answer to that problem. All of us stand condemned for not properly focusing on the problem.

I believe we should defeat the Stennis amendment, and then accept the challenge of the Senator from Connecticut to deal justly and adequately with the problem of de facto segregation in our country.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. The Senator from Pennsylvania (Mr. SCOTT) has the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, acting on behalf of the Senator from Mississippi, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Mr. President, this amendment is much worse than no provision at all. It freezes into the law the present distinction between de jure and de facto segregation. It perpetuates in the law a Federal school policy that permits segregation in the North and demands immediate desegregation in the South.

Mr. President, I do not distrust Greeks bringing gifts, but I must say I would certainly not look with a great deal of enthusiasm and favor on an amendment offered by my good friend, the distinguished Senator from Pennsylvania, with respect to the segregation question. This amendment smacks all too much of the amendment offered to the language of the Whitten amendment in the HEW appropriation bill. It uses the words "unconstitutional conditions."

There are two phases to the amendment. It establishes uniformity in all regions of the United States in dealing with unconstitutional conditions of segregation by race.

The only section of the country in which the Supreme Court has found unconstitutional conditions having to do with segregation by race is in the South. It has not ruled that de facto segregation is unconstitutional. Therefore, this amendment says that the United States will uniformly enforce in the South the same regulations, the same guidelines, throughout the entire South. It leaves absolutely unscathed and untouched and untreated the conditions caused by de facto segregation in the North. And I challenge my good friends to dispute the accuracy of that statement.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ALLEN. When I get through. I am operating on limited time.

Mr. GRIFFIN. I will be glad to give the Senator time. I just want to challenge the statement that there are no cases of de jure segregation in the North. I am willing to concede that there have not been as many cases——

Mr. ALLEN. I do not believe the Senator understood me. I think, if the Senator will refer to the RECORD, he will find I said there has been no case in which the Supreme Court has ruled that de facto segregation in the North is unconstitutional.

Mr. GRIFFIN. That is true, but courts of appeals have ruled that there have been de jure cases in the North.

Mr. ALLEN. If the Senator will examine the RECORD at the end of today's proceedings, the Senator will find I had reference to and spoke with reference to the Supreme Court.

The other facet of the amendment has to do with overcoming racial imbalance. We heard this very afternoon on the floor of the Senate the statement made time and time again that racial imbalance is de facto segregation.

In the light of that definition, let us see what phase 2 of the amendment says, "that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

In other words, they should not be authorized to bus students to overcome de facto segregation. But it does not forbid them to use busing to overcome de jure segregation. So the effect of this amendment is to freeze into the law the present distinction between de jure and de facto segregation, whereas the purpose of the amendment of the Senator from Mississippi is to abolish the distinction between those two types of segregation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. If I understand it, the purpose of this amendment is to continue racial segregation in the North.

Mr. ALLEN. It continues racial segregation in the North, and freezes the present law, and gives it the backing and prestige of enactment of a statute.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ERVIN. I ask the Senator from Alabama if this last clause is not to continue the present condition, because we passed the Civil Rights Act of 1964 prohibiting busing to overcome racial imbalance. They are ordering busing today, and they claim they are not doing it in trying to overcome racial imbalance, but to establish a unitary school system, which is an exercise in semantics; is that not correct?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator agree that the purpose of this amendment is to continue a situation where they can treat the South in one way and the North in another, and just keep going on in the same fashion?

Mr. ALLEN. That is correct; and the Secretary of Department of Health, Education, and Welfare has used this phrase "to overcome racial imbalance" as his excuse for applying a dual rule, one in the North and another in the South, one allowing segregation in the North and the other insisting on immediate desegregation in the South.

The language of the Whitten amendment protects the Northern States from busing, from the closing of schools, and from denial of the right of a parent to send his child to a school of his choice. The language of the Whitten amendment, as amended in the legislative process, protects the North at that point, and denies protection to the South.

So the effect of this amendment is to freeze the existing conditions regarding de jure segregation and de facto segregation, continuing to require the South to desegregate now, and allowing the North to continue with de facto segregation and, in fact, legalizing de facto segregation, under the wording of this proposal.

Mr. STENNIS. I yield myself 6 minutes.

Mr. President, let me say to the Senate that in my humble opinion, the amendment of the Senator from Pennsylvania that is offered now does not add one iota of meaning—not one iota—to the present law, the present practice, and the present method of what is actually a discrimination against the South.

It is stated here that these amendments, and so forth "shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race."

The way this thing is patterned now, there is no section treated as if segregation were unconstitutional except the South. The Supreme Court has never ruled on any other kind of case except one involving the South, and that is the practice that HEW has uniformly followed all these years, with a few scattered exceptions. That is what the Department of Justice has done, with a few scattered exceptions.

That word "unconstitutional" does not add or detract one iota of meaning, but it confirms the practice that is going on now.

This amendment abandons the President of the United States. It turns its back on him, and says, in effect, "His recommendations were spurious; we will have none of it. We are in a tight place, but we are going to try to get something here that just confirms what we are doing now." And that means getting by this area outside the South.

That brings us to the second clause, "that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

They are not required to do that now outside the South. This could not possibly apply to the South; it is already in the law. HEW says the prohibition on busing does not apply to the South. The Supreme Court says, in effect, that it does not apply to the South, because it ignored it. But all the decisions of the Supreme Court have been based by the Court solely on the 14th amendment, and the Court has never referred to this prohibition about busing.

I do not see why the Senator wants to put in the provision about busing, unless to reiterate and reaffirm the present policy and practice of HEW because this is becoming a problem outside the South.

It bypasses the President, and it bypasses what Mr. Finch said on Saturday afternoon in his speech at Boston. Then the Senator turns around and quotes Secretary Finch, and says he supported this amendment. I would not challenge

the Senator from Pennsylvania as to what he says, but I served notice at the beginning that I would challenge anything said by someone stating that the President is opposed to my amendment, unless they bring in something in writing. The President said something in writing. He himself is supporting my amendment.

I hope that my amendment will finally be agreed to. This amendment, with great deference to its author, does not add one iota in law, policy, or practice, to what HEW is doing now, and I know that is one reason why they want it. It cancels out the terms "shall be applied uniformly," and this amendment will not apply, in effect, anywhere except in the South. I hope the Senate will turn its back on it, and follow the reasoning of the other amendment, as offered here and supported by the President of the United States, as well as by Mr. Finch in his Boston speech.

This matter is getting whittled down to a mighty narrow meaning now. It is just yes or no as to whether this amendment has any added, new meaning. I respectfully submit that it does not.

Here is this law that I referred to a minute ago. I refer to Public Law 88–352, the Civil Rights Act, which states: "provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

HEW says:

> That does not apply in the South, because we are not trying to achieve racial balance, we are trying to destroy the so-called de jure system.

So why put anything in this bill that has no meaning? It is just a reiteration of the present HEW policy that they are getting by with, if I may use that term. They want to get by with it as long as they can, that is, keep this pattern of eradication of segregation in the South, and not let it apply in the North.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, if I have sufficient time. Does the Senator want time for a speech, or for a question?

Mr. RIBICOFF. Just a comment.

Mr. STENNIS. Three minutes?

Mr. RIBICOFF. Five minutes will do.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I am sorry to see the distinguished minority leader offer his amendment. I am sure it was not so intended, but this amendment is misleading and a sham. If we believe that de facto segregation is wrong, and I personally believe it is wrong, what the amendment of the Senator from Pennsylvania would accomplish and achieve is a continuation of de facto segregation throughout the North, with the approval of the Senate of the United States.

In the distinguished Senator's own city of Philadelphia, there are 57 schools with 68,000 children, and those schools are 99 to 100 percent black. If the amendment of the Senator from Pennsylvania is agreed to by the Senate, it will be perfectly proper, and approved by the Senate of the United States, that those 68,000 black children in 57 schools of Philadelphia will continue in schools 99 to 100 percent black. Again may I say, if it is wrong to have this imbalance in Mississippi, it is just as wrong to have it in Philadelphia.

Mr. SCOTT. Mr. President, will the Senator yield, since he referred to me?

Mr. RIBICOFF. I am pleased to yield.

Mr. SCOTT. I would not want the distinguished Senator from Connecticut to feel that I was supporting de facto segregation. It is wrong. I would not want the distinguished Senator from Connecticut to feel that I was not in sympathy with what is being sought to be achieved here in the Stennis amendment. The thrust of that amendment is largely supported. About 99 out of 100 words of the Stennis amendment are included.

I cannot understand how the distinguished Senator from Connecticut, who was a Governor of his State and charged with the enforcement of its laws, can find any objection to my requiring that the laws apply in dealing with unconstitutional conditions of segregation by race. Is he asking that the laws apply in dealing with constitutional conditions of segregation by race or that the laws should not apply equally, or with what is he finding fault? Wherever segregation is unconstitutional, the laws will be uniformly applied; and if in any area any form of segregation is forbidden, as de facto segregation has been forbidden in certain areas by the courts, it has to be uniformly applied.

Mr. RIBICOFF. May I say to the distinguished Senator that I believe that the Senator from Pennsylvania is very well aware of the thrust of his entire amendment. I agree with the interpretation of the Senator from Mississippi and the Senator from Alabama. When the Senator from Pennsylvania talks about unconstitutional conditions, he is talking only about the conditions declared unconstitutional by the Supreme Court of the United States, and that is de jure segregation. What the Senator from Mississippi seeks to achieve in his amendment, which would be completely frustrated and eliminated by the substitute, is to call attention to the fact that we have de facto segregation in the North and that we should treat everybody accordingly.

Let me say this to the distinguished Senator from Pennsylvania, and I include the distinguished Senator from New York, also, and his remarks about monumental hypocrisy. We are now engaging on the floor of the Senate, in a special type of monumental hypocrisy. It makes no difference to me what the motive of the Senator from Mississippi is or what the motive of the Senators from the Southern States is in their amendment. The great issue facing the United States today is the intentions and the bona fides of those of us in the North.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. May I have 10 additional minutes?

Mr. STENNIS. I yield 10 additional minutes to the Senator from Connecticut.

Mr. RIBICOFF. Let us be candid with one another. What is the condition prevailing in the United States today? The South hates the North; the North hates the South. What is their motive? The blacks hate the whites; the whites hate the blacks. What is their motive? The poor hate the rich; the rich hate the poor. What is their motive? The intellectuals hate the silent majority; the silent majority hates the intellectuals. What is their motive?

Now, we have reached the tragic circumstances where children hate one another. And what is their motive—what is the motive of children in our schools hating one another?

I am not interested in the reasons of the distinguished Senators from the South or their respective Governors, as to what their motives are. Let us look at our own individual motives.

What I sought to achieve in my speech on Monday was to put across to this Nation an element of fair play. If we ever are going to correct the conditions that prevail in America which have divided our Nation, we must find the element of fair play.

Where do we start in America? Not by questioning the other man's motives, but by searching our own hearts for our own motives. I want to start with children, the innocent pawns of what we are doing in the destruction of our country. Whether North or South, rich or poor, the intellectual or the silent majority, basically, all people in their country want to see their children with equal opportunities and with a future. A nation that pays no attention to its children will be a nation that lives to suffer degradation and deterioration.

The point we were trying to make, and the reason why I supported the original amendment of the Senator from Mississippi, was that he was focusing finally on the great problem: to make us look at that moment of truth. What were we going to do in New York? What were we going to do in Philadelphia? What were we going to do in Cleveland? Is there a Member of the Senate from a Northern State who will say that his school system today is better than the school system prevailing in 1954? What has happened in America? Here we are on the floor of the Senate today, mouthing the old cliches of liberal doctrine—liberal doctrine that has gone by the board.

We made these arguments in the forties, the fifties, and the sixties, and what have we achieved? We have achieved a breakdown of the American educational system.

Again may I say that the wording of the amendment of the Senator from Mississippi is as unimportant as any proposal could be. His objective and my objective are different. I support him because I see an opportunity for this country to face up to its obligations, to recognize that our children have been the innocent pawns of the weakness of American society, a racist, segregated society. This is the problem that exists in America today. Unless we face up to it,

we will not solve it. And we are not going to solve it by cute phrases.

With all due respect to the Senator from Pennsylvania, the phrase used in his amendment is a cute one. He is freezing de facto segregation into the law. He is making it possible for those in the North to feel smug and complacent by saying, "We are going to treat you all the same," when we know—every Member of this body knows—that we are really only talking about the South. And you wonder why the South has hatred in its heart? Because there is no fair play when they look at de facto segregation in the North.

I know there are those who want desegregation to go slowly. I do not want desegregation to go slowly. But I want all America to look at this problem.

In my opinion—and I say this respectfully to the Senator, who is the minority leader—this amendment has done a basic disservice to the President of the United States, and this is why.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I should like to finish this thought, and then I will yield.

At the end of last week, a statement was given out by the President of the United States. The President said he understood the objective of the amendment offered by the Senator from Mississippi and he was in agreement with it. The President agreed that basically everybody in this country should be treated the same. The Secretary of Health, Education, and Welfare made a speech in Boston in which he reaffirmed the philosophy in the policy of the Senator from Mississippi.

When the President of the United States and the Secretary of Health, Education, and Welfare made those statements, I took those statements at face value. I did not think that the Secretary of Health, Education, and Welfare or the President of the United States were being cute. I acknowledged their deep concern with the problems of education in America and the problems of fairness across this entire land. I thought that now the President of the United States, some Senators from the North, and the Senators from the South were facing up to the basic crisis in America, the crisis involving our children.

Mr. SCOTT. Mr. President, will the Senator yield at that point, since I think it is proper to offer a correction?

Mr. RIBICOFF. I yield.

Mr. SCOTT. The Senator from Connecticut has said that the President made a statement that he agreed with the Stennis amendment. It is my recollection of the public print that the President said he agreed with the concept involved, or a statement on his behalf was made by his press secretary. I do not think the Secretary of Health, Education, and Welfare has been quoted as saying anything beyond that.

I would like to ask the Senator from Connecticut what he finds wrong with an amendment which says that the laws shall be applied equally against all those who break them, because the phrase is, "in dealing with unconstitutional conditions."

Now the Senator was Governor of Connecticut and it was his job to apply all laws equally in Connecticut against anyone who broke a law. What is wrong with it here?

Mr. RIBICOFF. I would say this: Would the Senator from Pennsylvania allow a substitution of the words "de jure or de facto conditions" for the word "unconstitutional"? Will the Senator accept that?

Mr. SCOTT. I am sorry, the Senator from Mississippi was talking to me. Would the Senator kindly repeat his question, for which I yield him 2 minutes of my time?

Mr. RIBICOFF. The Senator talks about uniformity. Would he accept the substitution of "de jure or de facto conditions" instead of the word "unconstitutional"?

Mr. SCOTT. The Senator's amendment, in this Senator's opinion, speaks for itself. It is quite clear to this Senator, although the Senator from Connecticut is obviously encountering some difficulty in accepting or understanding that it says the law shall be applied equally in any case where the law is being broken. I cannot think of any way that could make the amendment any clearer than that. It is inconformity with the Stennis amendment in its substance and in its thrust. It would eliminate the words which I think most people would agree are not of great meaning at the end—a single sentence—and it adds only one word, "unconstitutional."

Mr. RIBICOFF. May I say to the distinguished Senator from Pennsylvania (Mr. SCOTT), the use of the word "unconstitutional," would emphasize to every legal scholar, to the Senate of the United States, and to all the people of this Nation, that this amendment is applying to the States in the South, and the States in the North will be home free.

Thus, if the Senator from Pennsylvania wants to treat the North and the South in the same way, I would suggest substituting the phrase "de jure or de facto conditions." Then we will get someplace.

Several Senators addressed the Chair.

Mr. RIBICOFF. I yield to the Senator from Florida (Mr. GURNEY).

Mr. GURNEY. I should like to shed a little light on this debate as to what the attitude of the administration and the President is, because I think it is very important, and the explanation of the Senator from Connecticut is correct.

Here was a statement made by President Nixon's press secretary, Ronald Ziegler in Florida, the same day I was there, stating in part:

> To the extent that the uniform application amendment offered by Senator Stennis would advance equal application of the law, the administration would be in full support of this concept.

Mr. President, to me, there is nothing unclear about that language.

Mr. RIBICOFF. It was not to me, either, when I read it, let me say to the distinguished Senator from Florida. I was thrilled when I read that statement. I did not know what would be the impact of my statement last Monday, but it is apparent that there was an interest in it. When the President of the United States issued that statement, to me, it meant that he was saying to the people of this country: "The time has come to rid ourselves of hypocrisy and to treat everyone fairly. Let bygones be bygones. We are not going to fight the Civil War all over again, and we are not going to fight 1954 all over again. Conditions do prevail in this country of ours, however, so that as President of the United States, I am going to do everything I can, as President, in my administration, to see that every child all over the country is treated on the same basis."

Mr. President, would it not be wonderful if we could achieve justice, involving everyone? But we know that is a tough goal to achieve.

I suppose, when we talk about justice, we are talking about treating equals equally. In a democracy, everyone is supposed to be equal—we hope; whether black or white, whether living in the North or the South.

I know the thinking of many people in the South. I am familiar with editorials and statements made on this floor by our colleagues, that this is a game being played by the South. Maybe it is a game being played by the South. But, somewhere, sometime, we will have to recognize in this country that the time has come to stop playing games, that the time has come to look at the facts of life in America today squarely in the eye, to determine what the problems are and what we are going to do about them.

Mr. President, the one man who can do that better than anyone else in this country is the President of the United States.

When I first read about the President's statement in the press, and then heard it announced on radio and television, I suddenly saw a great opportunity for Congress and the President uniformly to say, "We will now treat equally and fairly all the people in this country."

What a great opportunity it would be to stop fighting the Civil War all over again, to stop playing up the differences among people of different races, classes, and colors, and to recognize that we are now living in 1970 and that some of the issues and some of the decisions that were made in the past, although made with the best intentions in the world, are not working.

Why can we not say, as Senators who go out among the people and are intelligent men, that when conditions need changing, or laws do not work, or when they compound our problems, or injure the country and its people, that we will change them in the interest of the people.

Therefore, let us, for heaven's sake, find a new set of laws.

Let us find new solutions, if we can.

Mr. President, this is what I was trying to achieve in supporting the amendment of the Senator from Mississippi—not that I always agree with him. I would suppose if we took our voting records, we could not find any voting records more dissimilar than the voting records of the Senator from Mississippi and the Senator from Connecticut.

But that is not the thrust of the problem. The thrust of the problem is to look

at our intentions and our motives individually, rather than focusing on the other man's. That is why, to me, the substitute amendment put in by the distinguished Senator from Pennsylvania, while he may not so intend it, is a matter of great mischief. It is an amendment that would undercut completely the President of the United States.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I should like to yield to everyone and give them ample time to speak, especially to the Senator from Connecticut (Mr. RIBICOFF) to speak further; but there is a limitation of time, which I cannot avoid. There are quite a few Senators who still wish to speak.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I am glad that the Senator from Connecticut made his statement because I think it helps us understand the nature of the issue with which we are confronted.

One thing is very clear. If the amendment of the Senator from Mississippi passes, it will give those who oppose the elimination of the dual school system throughout this country, primarily in the South, a powerful new weapon to resist the elimination of de jure segregation.

We know that they will say, "Before you can eliminate our dual school system in Mississippi, which sorts children out on the basis of color, you must go to Chicago and first do something about de facto segregation and racial imbalance that arises from living patterns."

Thus, we know what the amendment does. It will grant the South an important new weapon to slow down the process, to frustrate the Supreme Court. It will give those who have political influence in Washington or elsewhere powerful leverage to appeal to HEW and elsewhere to say, "Stop enforcing title VI strongly, because it is now the new policy of the American Government not to do anything in the South until you can deal with de facto segregation elsewhere."

Mr. LONG. Mr. President, will the Senator from Minnesota yield at that point?

Mr. MONDALE. I shall be glad to yield in a few minutes.

Mr. President, this brings up a second question: What do we do about de facto segregation?

The Senator from Connecticut says that we have to have courage in dealing with de facto segregation. I agree. But I asked the Senator from Connecticut the other day to tell me one thing that would follow from the adoption of the amendment of the Senator from Mississippi which would allow us to deal with de facto segregation.

There was no answer. There is not any answer. This amendment does not absolve us of northern hypocrisy. It does not do one thing about desegregation. It does not affect Pennsylvania or Minneapolis or New York one bit.

All it does is to give those who oppose the elimination of the dual school system another weapon to fight the efforts being made by the Department of Justice and the Department of Health, Education, and Welfare.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. I will be glad to yield in a minute. I want to get this point home, because I would rather lose my public career than give up on civil rights.

For 10 years as attorney general of my State and as a U.S. Senator, I have regarded it as a religious responsibility to treat every man as an equal. And I am offended by racial segregation, wherever it exists.

I know an amendment that does not do anything when I see it. No one has told us what the amendment of the Senator from Mississippi would do.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. The question is whether after we take out that part of the amendment of the Senator from Mississippi that would slow down the elimination of the dual school system, are we willing to move beyond that and establish a committee that would really do a job? That is the question we have before us today.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield first to the Senator from Louisiana.

Mr. LONG. Mr. President, permit me to say to the Senator that I do not view the Stennis amendment as slowing anything down in the South.

I view it as making the Department of Health, Education, and Welfare bring the same pressure to bear on Minneapolis that they have brought to bear in Louisiana. If that is the case, I would assume that the Senator from Minnesota would be willing to defend the Department of Health, Education, and Welfare when they do to his State what they have done to our State. And if he would defend it in that case, we would defend it there.

Mr. MONDALE. Mr. President, the Senator must be aware of the powerful influence that those who oppose the dual school system in this country have in a case of this sort.

A Mr. Panetta used to be head of the Office of Civil Rights in the Department of Health, Education, and Welfare. He has lost his job under very strange circumstances. He had been a strong supporter of title VI.

If the Stennis amendment is agreed to, those who oppose the dual school system can call the Department of Health, Education, and Welfare and say, "We demand a delay in school desegregation deadlines."

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator that, if the Stennis amendment were agreed to, I do not see how it would affect the situation in the United States whatsoever, because the problems of segregation in the southern region are under the jurisdiction of the Federal courts of this Nation. Whatever we do in agreeing to or failing to agree to the Stennis amendment will not affect the decisions of the Supreme Court, or the circuit courts, or the trial courts. They will continue to hand down their orders in accordance with the 14th amendment.

I have looked upon the amendment of the Senator from Mississippi as trying to make us all realize the element of fair play that should be practiced.

Mr. President, concerning the substitute amendment, may I ask the Senator what data or recommendation he thinks it would adduce different than the following: the Kerner Commission, the Douglas Commission, the Kaiser Commission on Urban Housing, the civil rights study on the effect of the isolation in the public schools, the Coleman report, and the Civil Commission on Equal Rights.

How long must we adduce and readduct the same facts?

Is it not a fact that in New York City 43.9 percent of the blacks attend 100-percent minority schools; in Chicago, 85.4 percent are black 100 percent minority; Baltimore, 79.8 percent; Cleveland, 79.9 percent; the District of Columbia, 89.2 percent; and Gary, Ind., 80.8 percent.

This is what we are dealing with.

Mr. MONDALE. Mr. President, I yielded for a question. I would be glad to hear the question.

Mr. RIBICOFF. The question is, What would the proposed commission adduce?

Mr. MONDALE. Mr. President, I thank the Senator from Connecticut. I asked the Senator from Connecticut what would happen in the very communities he has just mentioned if the Stennis amendment were to pass.

We have yet to receive an answer, because there is not any real answer.

The amendment offered by the Senator from Mississippi would do nothing about de facto segregation. Its sole and obvious and clear purpose is to paralyze and hamper the efforts to eliminate the dual school systems wherever they exist.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. We have yet to receive an answer from the Senator from Connecticut. I have asked three or four times about this matter.

I have analyzed it carefully. The amendment, I think, unless there are some additional arguments that we have not heard, stands condemned as being a hoax insofar as it hampers the elimination of de jure segregation.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, the difference in approach is that of a technician and that of a person recognizing what is important in this country.

Mr. MONDALE. Mr. President, would the Senator say what will happen?

Mr. RIBICOFF. I will tell the Senator what will happen. What has been happening——

Mr. MONDALE. I asked what will happen.

Mr. RIBICOFF. The public opinion that has been brought to focus on this problem during the past week is what is right with the Stennis proposal. That

is what is right with the Stennis proposal—public opinion. It is waking up America to the hypocrisy in the North and to the fact we should stop kidding ourselves. That is much more important than the passage of myriad laws day in and day out which yield nothing in the final analysis.

Mr. MONDALE. Mr. President, I ask my colleagues in the Senate to observe that the Senator from Connecticut had three separate occasions to tell us what the Stennis amendment would do to affect segregation if it were adopted.

I asked him the question on last Friday. I asked him the question twice today. There is no answer and has been no answer. It is a hoax.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, will the Senator yield to me.

Mr. MONDALE. My time has expired.

Mr. STENNIS. Mr. President, I ask the Senator from Pennsylvania to yield the Senator some time so that he can yield to me.

Mr. SCOTT. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from Minnesota stands here and condemns my amendment as a hoax.

Mr. MONDALE. Insofar as it affects de jure segregation.

Mr. STENNIS. I will explain to the Senator what I think will happen under the amendment if it passes and is given an honest application.

It will increase integration of the schools beyond the South.

Mr. MONDALE. How would it do that?

Mr. STENNIS. Let me answer, please. It will increase integration beyond the South if applied rigidly and honestly and with determination, as it has been applied against the South.

It can be proven that these matters are deliberate efforts to discriminate. I am speaking now as an informed man.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I speak as an informed man. It can be proven that there is deliberate discrimination in a great number of these districts beyond the South and that it has not been followed up.

Mr. President, I state that as a fact from my information.

I further state that when my amendment is honestly applied the people beyond the South will find out whether they want this system of integration. They do not know. The people of Minnesota do not know.

According to the latest statistics I have, 0.7 of 1 percent of the population of Minnesota are colored.

They have a small chance of really knowing by experience as far as this matter is concerned.

Many areas will find out they do not know as yet. They are beginning to suspect they do not want it, and I think that would be a very salutary influence, if the people of the Nation, black and white, can find an adjustment for this thing that does not destroy the schools, as they are doing down South. They will be glad to find out. And in the process, the colored people of this Nation in the North, as well as in the South, will find out that they do not want it and that they are not benefiting as they thought they would by this massive total integration.

We have had evidence during this debate. I covered these points this morning. The Senator from Minnesota could not be in the Chamber at that time.

I ask him to be careful in his words. Do not accuse a man of putting something in here that is a pure hoax unless you listen to the debate and make as many inquiries as the author of the amendment about the conditions in the South, where I doubt you know very much about it firsthand, or in the North, outside of your own region.

These are some of the conditions and motives behind this amendment. It is no hoax. The President of the United States is troubled about this. Others are troubled about this situation and that is why it has raised support beyond the South. Do not condemn us just because the Senator does not understand it. I know he meant nothing personally.

Mr. MONDALE. Mr. President, I appreciate the flattering remarks of the Senator from Mississippi.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, I yield 1 additional minute.

Mr. MONDALE. But I say once again we have not heard one whit as to how the Stennis amendment would affect de facto segregation, because it does not. All it will do is impede efforts to eliminate segregation in the South where they have dual school systems.

If we heard from the Senator from Mississippi or others who cosponsor the amendment that they want to eliminate section 401 which prohibits busing to eliminate de facto segregation, it would have an element of validity—but they are opposed to that.

I ask, What will happen? Nothing will happen. This amendment has been offered to delay the elimination of dual school systems, and that is all there is to it.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, I yield 5 minutes to the Senator from New York. I have kept him waiting for 30 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, first I would like to say that I join the Senator from Minnesota (Mr. MONDALE) completely in the statement he made. I tried to make the same statement earlier in the day that there is nothing in the Stennis amendment which will forward the struggle against de facto segregation unless it repealed the provision in the bill which prohibits the thing he says he wants to accomplish—busing.

I do not wish to repeat the arguments made by the Senator from Minnesota but I do wish to make this point. I am for the Scott substitute. It is very meaningful, even on de facto segregation, for this reason. It uses the word "unconstitutional." That is the critical word in the amendment; otherwise it would mean nothing. We have no right to deal with anything that does not break a law.

The Stennis amendment and the Scott substitute start with reference to the Civil Rights Act of 1964 and the HEW guidelines issued under it.

This is the first time this has been said in this debate, but it should be said. The Supreme Court may very well decide that de facto segregation is unconstitutional and is reachable by law and, if it is, that standards should be rigorously and uniformly applied under the Scott amendment, which covers it. Then, heavy prosecutions will be seen in the North. That is fine. I am all for it. It is interesting because those who are for the Stennis amendment—except the Senator from Connecticut—are ardent advocates of States' rights. I had to battle in my State in connection with de facto segregation. The argument to slow down what you can reach because you cannot reach everywhere is not valid. It is very much like the follow charged with robbery who says, "Do not prosecute me but wait until you catch others. Then, you can send me to jail."

The Senator from Connecticut raises an important question. Why is the country divided on this question? Let us unite. How do we unite? Do we do it by relaxing the law? What is the reason for this frustration if it is not that our young people feel that our Government does not do justice or really bring peace, that we have fallen down. That is why they feel as they do. They feel that we have fallen down in the promise of America. Are we going to redeem that promise by slowing up desegregation in a place where we can do something about it? That is not the answer. The answer is to be moral wherever we can and do our utmost to extend the area of morality.

I think the Scott amendment does something important. The Supreme Court may extend this doctrine. I hope it does. When it does, the Scott amendment will see that it is uniformly applied throughout the United States.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, statements have been made that those of us who support the Stennis amendment cannot give a reason why it might help reach the situation of de facto segregation. I will give that reason. Others have said that those who support the Stennis amendment are activated by their love of State's rights, and what I assume is meant as an anti-civil-rights position. I modestly say I cannot be placed in that category. I have supported civil rights since I have been in the Senate beginning in 1948. I had the opportunity to vote on civil rights issues in 1948, and I voted for equality in education. I submitted to the Senate in 1960 an amendment which is in substance title IV of the Civil Rights Act of 1964. Again in 1961, 1962, and 1963 I introduced similar amendments. The former Senator Douglas and I managed

title IV on the floor of the Senate in 1964 when it was approved.

I have noted my record to supply some background for my answer to those who have suggested we have no reason to support the Stennis amendment. I have studied the amendment offered by the leader of my party on this side of the aisle. I wish it had been offered earlier. But with whatever knowledge of the law I have, I consider that it does nothing except to repeat and freeze into law present applications of the law. It uses the words "racial imbalance" which, of course, means de facto segregation. It maintains the language found in the Civil Rights Act of 1964. It does not deal with de facto segregation at all.

In answer to the Senator from Minnesota I believe the Stennis amendment does deal with de facto segregation. I do not know if it is intended or what the interpretation of other Senators may be.

The language of the amendment of the Senator from Mississippi "without regard to the origin or cause of such segregation" intends that if the courts of HEW deal with de facto situations in the South—then they must deal with de facto situations in the North. That is an advance toward "equal protection."

I do not know what the motivation or intention of the Senator from Mississippi is, except I know that he is an honorable man of great integrity and has been in all the years I have served with him. But the language is clear. If the Executive and the Courts deal with de facto segregation in the South where it exists for the same reasons that it exists in the North, then the law must be extended to other States.

In the rural section such as mine, we do not have much de facto segregation. Years ago, there was the saying in Kentucky that the whites did not go to school with blacks, but they lived on the same streets with them. But in the North, whites would not want to live with them, but they would go to school with them. Under the Stennis amendment all would be treated the same way under the law.

Mr. PELL. Mr. President, I yield 5 minutes on the bill to the Senator from Tennessee (Mr. GORE).

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, I do not believe that in my time in the Senate I have seen so much political apple polishing on any subject as I have witnessed on this subject.

The President's press secretary, though not quoting the President directly, reports to the country that the President is opposed to precisely what his Secretary of Health, Education, and Welfare is doing. We have an amendment pending and a substitute amendment, neither of which would have any effect in law upon either de jure or de facto segregation.

The adoption of the amendment offered by the senior Senator from Pennsylvania would be a psychological, and perhaps a political, victory or endorsement for the present performance, the present uneven, inequitable application of the 1964 Civil Rights Act. The adoption of the Stennis amendment, on the other hand, would be a psychological victory, and perhaps a political victory, against the unequal administration of law that now prevails. But neither, in my studied opinion, would have the effect of law, if passed.

What is a "policy?" Something less, surely, than law. What is the difference between a declaration of policy and a sense-of-the-Senate resolution? The Senate, it is proposed, declares a policy. It is not proposed by either of these amendments to write a provision that operates as law. If so, why does the amendment and the substitute begin with the words, "It is the policy?"

If the Senate really wants to provide that the law shall operate uniformly in all the States, then such a provision is in the bill. I direct attention to page 150, subsection (c) of the bill, referring to rules, regulations, and guidelines of the Department of Health, Education, and Welfare:

> All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

That is in the bill, and no one is trying to take it out. Indeed, even this provision adds nothing to the law. All laws constitutionally apply uniformly in the United States. It is the responsibility of the executive branch of the Government so to do.

There is a provision in the 1964 Civil Rights Act which prohibits the withholding of funds, or the threat to withhold funds, to force transportation of public school students to achieve racial balance. The President says, that, or rather his press secretary says this is what he is for. What is new about that? That is the law, and has been since 1964.

We are shadowboxing here over whether the present practices will be approved by the adoption of the Scott amendment or whether they will be frowned upon by the adoption of the Stennis amendment. This is as frankly as I know how to state it.

Though I do not consider the choice very meaningful, as between the alternatives I choose to frown upon the legalistic hairsplitting and the resultant uneven application of the 1964 Civil Rights Act.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I must say I share my colleague's reservations about the Scott amendment. I speak, not as one who is trying consciously to perpetrate a hoax on the Senate, as the Senator from Minnesota seems to imply with respect to what the Senator from Mississippi has offered, but I speak as one who taught school for 6 years in my community. In Wichita Falls we have complete integration of our high schools. We even resort to busing to achieve it. So I think I can speak with some degree of objectivity.

I would like to ask the Senator from Pennsylvania if it is not his intent, in his amendment, that we should have a uniform pursuit of the abolition of dual school systems whether they exist in the North or in the South?

Mr. SCOTT. It is the intent of the Senator from Pennsylvania that the laws, as provided in the Constitution, the Bill of Rights, and the precedents of the courts, shall be applied equally and uniformly.

Mr. TOWER. Is it not true that in some northern areas, even though there is no de jure segregation—that is to say, segregation achieved by law—de facto segregation is indeed maintained consciously in some areas?

Mr. SCOTT. It is indeed true that in all parts of this country de facto segregation exists. Whether it is consciously maintained or not enters into the minds of the people involved, and I could not answer that.

Mr. TOWER. A moment ago the Senator from Pennsylvania said his mind was clear as to what he meant by the term "unconstitutional," and I think I understand what the Senator from Pennsylvania means, too. I think there is some concern that perhaps the courts might not understand the Senator's intent and might so interpret it as to mean that the present distinction between de jure and de facto be maintained and that the law operate only in the South. Therefore, I wonder if the Senator would give consideration to eliminating the term "unconstitutional" and inserting instead, after the word "uniformly," the words "as required by the Constitution," so it would read, "shall be applied uniformly as required by the Constitution in all regions of the United States," and so forth.

Mr. SCOTT. The Senator from Pennsylvania has, as a matter of fact, given some serious consideration to that phraseology, has discussed it with various supporters of the Scott amendment, and there is an overall consensus that the word "unconstitutional" more effectively states what is the intent of the amendment and of its supporters.

The PRESIDING OFFICER. All time of the Senator from Mississippi has expired.

Mr. SCOTT. Mr. President, I yield 1 minute to the Senator from Texas, or to myself, to answer the Senator from Texas.

The word "unconstitutional" is preferable in that it is recognized that in some courts de facto segregation has been interpreted to have the effect of de jure segregation; that some courts have ruled on de facto segregation, in busing matters, for example, to permit busing; that the Supreme Court has not yet ruled at all on de facto segregation; but that if and when the Supreme Court does decide that de facto segregation is unconstitutional—as indeed, that is the way my surmise is it would go—then, by virtue of that interpretation of the Supreme Court, presumably in upholding a lower court, at that point the uniform application of the laws would apply to de jure segregation and to de facto segregation because the courts had found an equality of injustice in both areas.

So that is the best way I can answer the Senator.

Mr. STENNIS. Mr. President, I yield the Senator from Texas 1 minute.

Mr. TOWER. I thank the Senator from Pennsylvania. I regret his reluctance to accept my proposed language.

Mr. SCOTT. I wish that I could.

Mr. TOWER. I do understand the sense of what the Senator is trying to say in his amendment, and I understand what he means by this term, but I have no such confidence that the courts or the Department of Health, Education, and Welfare will have the same construction of the term as the Senator from Pennsylvania; and therefore, I regret that I will have to oppose the amendment offered by the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator.

Mr. President, I first yield myself 1 minute, to state that I cannot accept the implication that the amendment I have offered is not supported by the Secretary of Health, Education, and Welfare, and that it is not an administration-sponsored amendment.

I do not wish to engage in any colloquy or controversy as to what meaning is to be read into statements made by someone else. The statement is made by me that in my judgment, this amendment is within the same concept that the Senator from Mississippi is seeking and I am seeking—which is equal application of the laws, but equal application of the laws, as far as my amendment is concerned, to those areas where the law applies, and future application to additional areas such as de facto segregation, at the point when the Supreme Court so broadens its interpretation of these laws, as indeed I think it will.

At this time, I yield 5 minutes to the distinguished assistant minority leader, the Senator from Michigan.

Mr. GRIFFIN. Mr. President, 3 minutes will be sufficient.

I take this time because several references have been made to statements by the President of the United States, and I think it is appropriate at some point in this debate that the statements attributed to the President be printed in the RECORD.

On February 12, a statement read by Mr. Ron Ziegler, to which reference has been made, included this language:

It is the view of the Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

I suppose the question, if we are talking about the meaning of what the President said, is what has been the law? The law has been that under the Civil Rights Act and under amendments imposed by the Senate and the House of Representatives on appropriation bills, funds may not be used for the busing of students to achieve racial balance.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. If the Senator will just let me finish this thought, I shall be glad to yield to the distinguished Senator from North Carolina.

As enunciated by the Supreme Court, the law also is that under the 14th amendment, which says that no State shall deny any person the equal protection of the law, any State or subdivision thereof which, as a matter of policy, maintains a segregated school system, is in violation of the law and is in violation of the Constitution; and this, it is the view of the President, should be applied equally to all regions of the United States.

Now, then, if it has been the case—and I do not concede it——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I yield the Senator 2 additional minutes, Mr. President.

Mr. GRIFFIN. That some bureau or some agency of the executive branch of Government has not been applying the law equally throughout the United States, it is certainly not in keeping with the view of the President as he has enunciated it, because the law, as the Supreme Court has stated it, should be applied throughout the United States.

Mr. President, I ask unanimous consent that the statement read by Mr. Ziegler on February 12, and the statement by the President of the United States dated February 16, 1970, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT

The President has consistently opposed, and still opposes, compulsory bussing of school children to achieve racial balance.

This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

School desegregation plans prepared by the Department of HEW on request by school boards, or pursuant to court order, will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration. Just as the Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

STATEMENT BY THE PRESIDENT

The Supreme Court has ordered that where any school district in the nation in maintaining a dual school system based on race, it shall be changed to a unitary system.

Recognizing local differences, the Courts have not defined what is meant by a "unitary system" but have left to local school boards the task of designing appropriate changes in assignments and facilities to bring their districts into compliance with the Courts' general requirements. These changes are embodied in desegregation plans, some of which are prepared, on request, with federal assistance.

As a matter of general policy this Administration will respond affirmatively to requests for assistance in the formulation and presentation to the Courts of desegregation plans designed to comply with the law.

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

I realize that in the school districts affected by the Courts' mandates, putting even the most carefully-considered desegregation plans into effect is going to cause controversy. Required changes will inevitably be accompanied by apprehension and concern at the time of their implementation.

On one point there should be no argument: the hundred of thousands of children in the affected districts deserve what every other child in America deserves: a sound education in an atmosphere conducive to learning. This is my paramount interest, and in this regard I am sure I speak for the nation.

America's public schools are our principal investment in our own future. In every State the public schools are literally the guarantee of that State's life and growth and health. Any community which permits its public school system to deteriorate condemns itself to economic and social stagnation; nobody knows this fact more surely than the business, labor, education and religious leaders who serve their communities with dedication and pride.

In many States community leaders are making themselves heard, counselling respect for law and development of public education of the highest attainable quality. I wish to associate myself with such counsel—to lend the weight of this Office and the available resources of the Federal Executive to the constructive work which is being carried on in community after community, and especially in those facing what for them are far-reaching and extremely difficult educational and social changes.

In order to explore what kinds of additional assistance the President and the Federal Departments could usefully render to these communities, I have asked the Vice President to chair an informal cabinet level working group with Secretary of Labor George Shultz as Vice Chairman. Its members include Attorney General Mitchell, Postmaster General Blount, Secretary Finch, Assistant to the President Donald Rumsfeld, and Counselors Moynihan and Harlow. I have instructed them to review in detail the efforts of the Executive Branch which are now or could be dedicated to helping school districts in complying with the Courts' requirements and to preserving the continuity of public education for thousands of school children.

The Courts have spoken; many schools throughout the country need help. The nation urgently needs the civic statesmanship and levelheadedness of thousands of private citizens and public officials who must work together in their towns and cities to carry out the law and at the same time preserve educational opportunity. This Administration will work with them.

Mr. GRIFFIN. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. My question is this: Is the Department of Health, Education, and Welfare now a part of the administration?

Mr. GRIFFIN. Yes, it is.

Mr. ERVIN. I ask the Senator from Michigan if he does not know that the Department of Health, Education, and Welfare requires the busing of children,

and when their attention is called to the provisions of the Civil Rights Act of 1964 that no officer or court of the United States shall order the transportation of children to achieve a racial balance, that they say that does not apply to the South, that they are not seeking to achieve racial balance, but that they are seeking to achieve a unitary school system, and therefore this provision about forbidding busing of children is a dead letter in the Southern States.

Mr. GRIFFIN. Mr. President, if the Senator will permit me to respond, to the extent that the 14th amendment requires desegregation of school systems maintained by States or subdivisions thereof, to the extent that it must be enforced, it would override any provision that this Congress might pass if it be in conflict therewith.

Now, if it should be charged that the Department of Health, Education, and Welfare, in enforcing the 14th amendment, is applying a different standard with regard to busing in the North than it is in the South, then the Department of Health, Education, and Welfare is wrong, and it should be stopped from doing so; and it is absolutely not following the views our President has enunciated.

Mr. ERVIN. That is one reason why I would suggest to the distinguished Senator from Pennsylvania that in his amendment he strike out the words "to overcome racial imbalance" and substitute the words "to alter the racial composition of the student body of any public school," and thus get away from this problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I yield the Senator 2 additional minutes.

Mr. GRIFFIN. The point made by the Senator from North Carolina, of course, does not go to the Stennis amendment, because, as I have pointed out, the 14th amendment, under the declarations of the Supreme Court, reaches segregation which is maintained as the result of State action or actions of governments that are subdivisions of States, and the Court has not ruled on the de facto situation, which is regrettable. If and when those situations should be reached, if the Supreme Court should go so far as to say that racial imbalance, which is unrelated to policies of local government but is the result of private decisions only, if the Supreme Court should go that far and say that there must be desegregation of schools for that reason alone, then, of course, that decision should be applied in the North, in the South, and in all regions of the country; and it would be under the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I do not rise under any illusion of being able to bring to light any new facets on the legal argument that has been developed here today, but I think that, because I have no legal training, I may be able to interpret the President's clear, unequivocal statement just as the average American, the overwhelming majority of Americans, understand it.

I think when the President of the United States spoke as he did in clear-cut, precise language, to a majority of Americans it meant one thing: It meant that this administration stood for the uniform application of all of the laws, and that if the laws are good in the South, they are good in the North, and it does not have to go into the rhetoric of all of the fine delineations of specific statutes and court decisions to spell out clearly to the American people what we are talking about.

It simply means that if there is segregation in the South, and the U.S. Government proposes to do something about that, that it shall do the same as to segregation in the North or anywhere else, and it does not matter whether it is de facto or de jure. As far as the average person in this country is concerned, he believes and I think he appreciates the stand that the President of the United States has taken in saying that the laws of this country are going to be applied uniformly. The Senate of the United States today is going to be judged upon its willingness to accept the fact, as the distinguished Senator from Connecticut has already called to our attention, that we are applying one set of standards to the South and ignoring them in the North.

I do not want to hold back any step we can take which will unite this country; and the step we can take today, it seems to me, is to support the amendment of the Senator from Mississippi, because it will spell out clearly to everybody—it will spell out to the black child in the North just as it will in the South—that he is going to be treated as impartially and fairly in the North as in the South.

I intend to support the amendment of the Senator from Mississippi because I think that in so doing I will help implement what the President of the United States was trying to say to the American people, and I want to do that because I think it is fair.

I think it has been made abundantly clear that there is no reason at all longer to ignore the logic in the very honest and forthright statement that was made by the distinguished Senator from Connecticut.

I shall support the amendment of the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank my colleague, the distinguished Senator from Mississippi, for again yielding to me so that I may make additional remarks that I hope are pertinent to this rather extended inquiry on the state of equal opportunity in the United States.

I have sat here and listened to the charge—and I am afraid a valid one—by the distinguished Senator from Connecticut that the North hates the South, the South hates the North, the young hate the old, and the old hate the young. I hope that is not literally true, but I am afraid there is a modicum of truth in it and that our hearts are filled with intense emotion which may not be otherwise characterized than as hate. It is unfortunate, and I hope it soon expires, but it may be true at this moment.

I have heard the allegation that the purpose of the Stennis amendment is to permit foot dragging in desegregation in the South, and that the arguments in favor of the Stennis amendment are the classical States' rights arguments of those who are advocates of the traditional concept of State sovereignty in derogation of Federal authority.

I have heard the argument that if the Stennis amendment is adopted, it will not make any difference because it is already the law; or, conversely, that if the Scott substitute is adopted, it will not make any difference because de facto segregation has not been dealt with at the judicial level.

My reply to all these statements is, first, that I hope they are not true; and, second, if they are true, what does it matter? If adoption of the Stennis amendment or the Scott substitute will not affect anybody, what difference does it make?

As the senior Senator from Tennessee pointed out, the statutes now provide and the bill itself provides, on page 150, subparagraph (c), precisely, as I see it, what the Stennis amendment wishes; that is, equal application of the law around the country.

I am a southerner, I am from a border State, and I am a Republican. I am not a State's righter, and I have never been. I do not believe in institutional confrontation of the States versus the Federal Government, and I believe, to the contrary, that it is destructive of our partnership concept of Government.

Second, I have supported every major civil rights measure that has come before this body, to my knowledge, since I have been a Member of the Senate, including one over which I was roundly criticized by my constituency, the open housing bill. But I believe it is essential, if we are to have real equality, that a man and his family have the right to live where they wish. I hope we are not so filled with hate that we fall to the business of characterizing the gestures, the movements, the amendments, or the proposals of one colleague or another as a hoax or the product of States rights or as useless. Rather, let us lay aside those things and get to the merits of this controversy, which, simply stated, are these:

First, how shall we proceed to assure equal opportunity for every human being in the United States?

Second, how shall we insure that the Civil War century is over and that the South is not the whipping boy of the North and the North is not the scapegoat of the South, and that we consider these questions on some basis other than States rights or foot dragging or on the basis that it does not make any difference?

We should get to the matter of deciding whether we want equal application of the statutes, the judgments, the decisions, the regulations, and the guidelines of the Government of the United States to every citizen of the United States, throughout its length and breadth.

If we do, let us adopt one of these amendments. I favor the Stennis amendment. If we do not, if we want the existing order, let us hide our heads in the sand and continue to think of each other as hostile southerners or northerners, as the case may be, and perpetuate another century of antagonism between sections of this country and the races of this country.

We are making no contribution to the welfare of this Nation unless we get to the real issue at hand, and that is how to assure evenhanded opportunity throughout the Nation and how to speed and enhance the opportunity to destroy every vestige of institutional segregation and de facto segregation across this land, north and south. And we are not now serving that purpose.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 additional minute to the Senator from Tennessee.

Mr. COTTON. I have been listening to this debate, and I am impelled to inquire of the distinguished Senator from Tennessee, just because he is a Senator who happens to be speaking at this time: I suppose that as a lawyer and as a Senator, the Senator from Tennessee has been engaged in the Supreme Court Building and has noted the motto over the door: "Equal justice under the law." Has he noted that?

Mr. BAKER. My colleague knows that I have. I have been there with him. I must say that I have always felt, and I now feel, that that is the motto and doctrine of the judiciary in this country, and I wish to uphold their hand in that respect.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 1 additional minute.

Mr. COTTON. I sometimes wonder whether the members of the Supreme Court have been out and looked at it lately. [Laughter.]

However, does not this proposition boil down exactly to that? Whatever may be the sins of one part of the country or another part of the country, is there any way that a Senator can justify a vote for anything but equal justice under the law throughout this broad land—North, South, East, and West?

Mr. BAKER. No.

Mr. COTTON. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, there has been a great deal of discussion about the Stennis amendment and the substitute offered by the minority leader, as to the motives of the people backing the Stennis amendment, and also what that will do and what the substitute will do.

As a strong backer of the Stennis amendment, I would like to state what I think the Stennis amendment may do and why I am backing it.

Leaving de facto, de jure, unitary, and dual aside, the fact is that there is one set of rules for the South and another set of rules for the North. The fact is that certain events are taking place in the South in the desegregation of schools, and certain events are not taking place in the North.

I back the Stennis amendment because I think it says, in very clear language, that equal standards shall be put into practice which shall apply to the North and to the South and all over the land. Quite apart from de facto and de jure, it seems to me that if we do put this language on the statute books, as backed up by the President the other day, HEW and the Justice Department are going to be given the green light to move around in other parts of the country and see, indeed, that the business of desegregation and integration of schools is carried on uniformly.

One reason why this is most important to me is not that I oppose desegregation. I am for integration—long overdue—should be here—but I see things going on in my part of the country which are destroying the public school system because standards and rules and decrees of courts and Federal bureaucracies have come down to our part of the country and laid a heavy, arbitrary hand that has no reason and no soundness and is destroying the public schools.

When I think the rules will be applied in the North, under the Stennis amendment, the whole country will wake up to the fact that we are not desegregating in a fashion which will preserve education in this country, which will preserve the public schools. When we do recognize that, on a nationwide scale, then I am sure that we will come to grips with this problem, North, South, East, and West and, finally, apply sound reasons, sound rules and guidelines, and tackle the problem and see that we do get integration and a decent education for our children and preserve the public schools.

That is why this Senator wants to say that the Stennis amendment will apply the standards fairly and then, I think, we will be able to get on with the job of integration in a way that we can live in decency in this country, and preserve the schools as they should be preserved.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Florida (Mr. HOLLAND).

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. HOLLAND. Mr. President, first, I thank my distinguished colleague (Mr. GURNEY) for his contribution to this debate.

He is a son of Maine and of Colby College. He is a son of Harvard. He speaks with a voice which cannot ever be said to be the voice of the traditional southerner.

Second, I want to speak with the voice of a traditional southerner who is also an American. I am probably the only Member of this body who is the son of a Confederate veteran. But I am, and I am proud of it.

I am proud to say that my father, when his two sons volunteered for service early in World War I, was happy to tell his friends, as he did repeatedly, that his two sons did not wait for the draft, and that he was glad his sons did not preserve any of the feeling which might have developed from the great Civil War but, instead, were willing to fight for their country, our country.

Now, Mr. President, let me say to my good friend from Connecticut that my brother happened to serve in the 102d Infantry Regiment, which was a Connecticut regiment, as a replacement in the fine Yankee Division. However, that did not make him any less or more an American than he was before he went there.

That is the way it is with us. We Senators come from everywhere. We stand for our country.

I want to say why I oppose so vigorously the substitute amendment.

In the first place, the use of the word "unconstitutional" suggests that someone has ruled that some kind of segregation is constitutional.

I suggest that no court has so ruled. I suggest that no court may so rule. I suggest that if the Stennis amendment is agreed to and the Supreme Court should later rule that it is constitutional because of residential patterns to have de facto segregation, that our passage of this amendment will do no harm.

But I want to say that adoption of the amendment will call to the attention of the people of this country—particularly the minorities—that we intend to have equal justice done insofar as the law will permit.

The second reason why I object to the substitute amendment is that it opens the door as we did when we emasculated the Whitten amendment a year or two ago. The solicitor of HEW promptly ruled that that amendment made it clear it did not apply anywhere but in the South. It was so applied. I think that ruling was completely wrong. I do not want to open the door again to such a one-sided ruling. I do not believe that any Member of the Senate who has thought the matter through wants to open the door to such a ruling or a one-sided performance by the Department of Health, Education, and Welfare.

The third thing I want to mention, which was brought up by the Senator from Kentucky, has to do with residential patterns in large cities in the South, just as the same exist in the North.

I invite the attention of the Senator from Minnesota to the fact that I advised him of this fact the other day in colloquy, that in such cities as Louisville, Memphis, New Orleans, Atlanta—and in my own State, Miami and Jacksonville—there are residential patterns which bring about something that could be called de facto segregation, because we are trying to preserve the community schools.

Jacksonville alone, which is not a large city, has 120,000 Negro citizens living in one part of the city, on one side of the river, away from the main residential area where most of the white citizens live.

I invite attention to the fact that we are being called upon in our part of the Nation to desegregate even in those areas which are de facto in the nature of their segregation. Perhaps that is right. Perhaps de facto segregation will be held to be unconstitutional. If so, we want to be ready to meet it elsewhere also.

I am just inviting attention to the fact that the South has, just as the North has, large cities with residential patterns,

with many thousands of minority citizens living in one part of these cities. When we talk about de facto segregation, we are talking about North, South, East, and West alike.

Mr. RIBICOFF. Mr. President, I offer a perfecting amendment to the amendment of the Senator from Mississippi, and I ask——

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator's perfecting amendment is not in order until all time is yielded back or used.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. MONDALE. Would the amendment then be in order?

The PRESIDING OFFICER. The perfecting amendment to the Stennis amendment would then be in order and take precedence over the pending amendment.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. As I understand it, a perfecting amendment to the Stennis amendment would be in order but would not be in order until the Stennis amendment becomes the pending business and, at the moment, the pending business is the substitute to the Stennis amendment; is that not correct?

The PRESIDING OFFICER. A perfecting amendment is not in order until all time has been used up or yielded back on the substitute. The Chair has so ruled. Then it would be in order and take precedence over the substitute.

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, first, I think at this point that I should like to ask for the yeas and nays.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. SCOTT. Mr. President, I withdraw that request.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ALLOTT. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. SCOTT. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I address myself to the minority leader and his amendment, which provides in the last sentence,

> (2) that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

I invite his attention particularly to title IV of the Civil Rights Act which states in part,

> Desegregation shall not mean assignment of students to public schools in order to overcome racial imbalance.

I ask the Senator from Pennsylvania if he would be of a mind, and I think it would be beneficial, to insert after the word "transport"—"on his own behalf or assignment . . ."—which I think brings it completely, then, within the context of title IV of the Civil Rights Act of 1964.

Mr. SCOTT. In reply to the distinguished Senator from Colorado, I have discussed this with him and I do accept his amendment so that the last line of my amendment shall read, "transport or assign students in order to overcome racial imbalance."

The PRESIDING OFFICER. The Chair would advise the Senator from Pennsylvania that his substitute is not open to amendment but he can modify his own amendment.

Mr. SCOTT. Mr. President, I undertake to so modify it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MONDALE. Mr. President, there has been some discussion concerning whether the amendment proposed by the distinguished Senator from Pennsylvania enjoys the support of the administration or does not.

Mr. SCOTT. Mr. President, may we have order in the Senate. This question is very important.

The PRESIDING OFFICER. The Senate will please be in order. Senators will take their seats and attachés will be seated.

Mr. SCOTT. Mr. President, will the Senator please repeat the question?

Mr. MONDALE. There has been some question raised as to whether the substitute amendment of the Senator from Pennsylvania is supported by the administration.

Mr. SCOTT. Mr. President, I will be very glad to respond to the question that has been raised and to the implications to the contrary that have been implied and mentioned at different times.

The substitute amendment has the recommendations of the administration. And these are the reasons why.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. SCOTT. Mr. President, will the Senator please excuse me? The entire purport of what I have to say would be destroyed unless I were to finish this sentence.

This is the reason why, aside from the language at the end—which I have understood from some of the supporters of the amendment is not the gravamen of the amendment—my amendment represents a one-word change in the Stennis amendment, which is intended to be ameliorative of the entire situation. And the purpose is to avoid the disruptive effect which could well result from the amendment without the addition of this word "unconstitutional," and be disruptive in all regions of the country where a result might be achieved which the distinguished Senator from Mississippi himself would deplore.

In order to avoid this disruptive effect, in order to have an ameliorative purpose in mind, the one word change has been offered. And I repeat it has been at the recommendation of the administration.

I now yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. When the Senator uses the word "administration," what does he mean specifically? Does he mean that the President of the United States, Mr. Nixon, recommends this amendment? And, if so, I would not doubt the word of the Senator, but I would like him to produce a statement in writing from the President saying that he favors the amendment. We had one in writing from him in the campaign.

Does the Senator have something in writing from the President, if he intends to include the name of the President?

Mr. SCOTT. Mr. President, I will answer the Senator from Mississippi in this way. My statement was made carefully and with full awareness of the import. The statement means exactly what it says, that the administration stands behind it; the Secretary of Health, Education, and Welfare has approved the amendment. And if the Senator wishes to disturb the balance existing between the three branches of the Government and wishes the President to come up here, I would suggest that he be invited. It is not my prerogative to do so.

I am not undertaking to say more than I have said. I said it with full awareness of my responsibility, that the amendment has the support of the administration. It is only for the purpose of accomplishing what the Senator from Mississippi is trying to accomplish—the equal application of the laws and to avoid disruptive effects in all parts of the country. Therefore, it is consistent with the thrust of the Senator's amendment.

Mr. STENNIS. If the Senator will yield further, when the word "administration" is used, that leaves a doubt as to whether it means the President of the United States. It does with me, because the President has said in his campaign that he favors certain things and has said it through his representative on certain matters. He issued a statement on yesterday.

I do not think that can be offset by any Senator coming here and saying that the administration is behind the amendment.

I do not believe the President, if he wants to correct something he said in February and on yesterday, would have any trouble doing so. I believe that he could say it in writing.

I do not doubt the Senator's representation. But I question the interpretation of the word "administration."

Mr. SCOTT. Perhaps the Senator could point out what is inconsistent between my amendment and his amendment, in which there is a one-word change, and why he believes that other people to whom he makes reference would favor one word over another.

I simply assert that the administration favors my amendment. And I stand on that, and I stand on it with right and with reason to do so. That is as far as I can go.

Mr. STENNIS. That does not cover the question I raised.

Mr. SCOTT. I will tell the Senator privately if he wants me to do so.

Mr. ERVIN. Does the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCOTT. Mr. President, I yield the floor for the time being.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. Mr. President, I yield to the Senator from North Carolina. I have very little time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 3 minutes remaining.

Mr. ERVIN. Mr. President, I ask the Senator whether the President of the United States can speak for himself.

Mr. STENNIS. That is my point. I think he would if he wanted to amend his former statement.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes remaining.

Mr. HOLLINGS. Will the Senator yield to me on the bill?

Mr. STENNIS. Mr. President, I yield to the Senator 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, no one doubts the integrity of the Senator from Pennsylvania when he says that the administration stands behind his amendment, which is undoubtedly intended to kill the Stennis amendment.

All I can say is that I told the Senators so. I was in a meeting this morning with my brethren from the South. They were all smiling about the President being for the amendment. I said, "He is not. Read what he says."

That is the "rot" that the Senator from Rhode Island has been talking about in this country. It is the double-talk in this Government.

I said, "Read what he had to say in his speeches, Senator. Wait until we get on the Senate floor, and I will bet you all the tea in China that the administration will be opposing the amendment."

I appreciate the clarification of the matter by the Senator from Pennsylvania. I appreciate the placing of the President's statement into the RECORD by the Senator from Michigan. He sees no inconsistency in this statement and the defeating amendment of the Senator from Pennsylvania. And let me say that this has been a sham.

Mr. SCOTT. Mr. President, I changed one word.

Mr. HOLLINGS. Mr. President, all support for the Scott amendment has been prefaced with these self-serving declarations of "support for civil rights," "20 years dedication to human rights." On the contrary, let me preface with the statement, "I was a segregationist, but I learned better. I do not believe in second-class citizenship." Perhaps that qualifies me for the Supreme Court, because I changed my mind.

I learned better. But I also learned after working 20 years with segregationists to know one when I see one. And I must say that I have never seen a bigger bunch of segregationists than I have seen on the Senate floor this afternoon—the Senator from Pennsylvania, the Senator from Michigan, the Senator from Minnesota, and the Senator from New York all dancing around in the name of "equal rights."

Where is the sham? Where is the hoax? Who is using the tricky language?

We used the language, "uniform in all regions of the United States." They come back with the language and interpretations of Supreme Court decisions inserting the Court employment of "unconstitutional" and the Court "de facto" interpretation for "racial imbalance" in the amendment of the Senator from Pennsylvania. In the beginning he talks like he speaks. The amendment reads "applied uniformly in all sections of the United States. But he goes on. Why does he not stop there? Why does he put in the tricky language?

Who has described de facto segregation? Everyone knows "racial imbalance" means "de facto." The Senator from Minnesota talks about racial imbalance. It is in the amendment of the Senator from Pennsylvania. They are the ones inserting "de facto" or the unequal treatment. It is not in the Stennis amendment or in my amendment.

I do not insert language for either de jure or de facto segregation. Where does the Senator get his construction that the Stennis amendment does not hit de facto segregation. He knows well that it does hit it, and that is why he is squealing. That is why they are all dancing around opposing the uniformity of the Stennis amendment. It hits geographical segregation. It hits racial segregation in the North. But they say there is not one iota of evidence. I have limited time, but here is an entire package of it. The title is "Survey of HEW National School Desegregation Program—Preliminary Report by Paul J. Cotter, Appropriations Committee, October 13."

Here is what he said on page 8 of section 10. It is a very extensive report—they tell of 336 plans implemented in the South, but Senator from Pennsylvania, here is what is grabbing you: On page 8, and I quote:

> So far we have taken one district into administrative proceedings in the North, Ferndale, Mich.

That is the evidence. That is what this amendment is about. We are trying to eliminate geographical discrimination.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MONDALE. I have waited breathlessly. I thought after 4 days of debate, someone would tell us how it applies to de facto segregation, but I guess we will have to vote without knowing.

Mr. HOLLINGS. You say you never know; you know too well. Do not give me that argument. I have been here before. You know what is biting at you. The administration has double-teamed us in the South. And you are conspiring to continue two discriminations. The de facto discrimination that exists in your schools and the geographical discrimination that is employed by HEW against us. I want them in the North also, and not just the South.

I wish to ask the Senator from Pennsylvania or the Senator from Michigan: When is SPIRO AGNEW going into that 8-block by 44-block area in New York and therein enforce the unitary school? When is he going up there? If southern strategy is what we are receiving, give me northern strategy. We do not want any more Washington committees down South. Is the Vice President going up to Pennsylvania with his great Cabinet committee to get unitary schools started? Never in your life. That is what we are talking about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator on the bill.

Mr. HOLLINGS. We had a little contest to pick a slogan for an insurance company at one time. The winning slogan was, "Capital Life will surely pay if the small print on the back does not take it away."

The substitute states:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States.

Now comes the tricky language that takes it away on the back of the page. An insurance lawyer wrote this.

Mr. ERVIN. A Philadelphia lawyer.

Mr. HOLLINGS. A Philadelphia lawyer. [Laughter.]

Then, it states, "In dealing with unconstitutional conditions—"

Now that is the tricky language. That is the hoax.

The PRESIDING OFFICER. The Senate will be in order. The Senator has 4 minutes remaining.

Mr. HOLLINGS. That is all right. I made my point. I appreciate the Senate's attention. I have watched them around here. I ask the Senator from Mississippi if it is not true that all he wants is uniform application.

Mr. STENNIS. The Senator is correct.

Mr. HOLLINGS. The Senator from Pennsylvania used that old phraseology "racial imbalance." He injected it here. It is not in the amendment of the Senator from Mississippi. The amendment does not say de facto or de jure. The Senator from Minnesota asked, "How does it affect de facto segregation?" He knows. Answer your own question.

Mr. STENNIS. Mr. President, I yield 3 minutes on the bill to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is yielded 3 minutes on the bill.

Mr. SCOTT. Mr. President, will the Senator yield so that I may ask for the yeas and nays? The time will not be taken out of his time.

Mr. STENNIS. May we have order?

Mr. CURTIS. It is my understanding there may be an amendment accepted.

The PRESIDING OFFICER. The Senator from Nebraska has 3 minutes on the bill.

Mr. CURTIS. Mr. President, I support the Stennis amendment. It is clear, it is understandable, it is right. It deals with one idea in reference to this subject and it does not intermingle other ideas. I say

it is understandable. I also support it because it is in accord with everything that I have ever heard the President of the United States say on this subject or about this subject.

I believe that it will be a step in the wrong direction if we turn down a clearly stated principle that any law on any subject should not be uniformly applied throughout the country. There are other ideas and proposals in connection with this legislation that should be dealt with in separate amendments.

This deals with one proposition. It states that proposition clearly. I support it. I believe that it represents what I understand to be the belief and the position of the President of the United States.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 2 minutes to the Senator from Texas on the bill.

The PRESIDING OFFICER. The Senator from Texas is yielded 2 minutes on the bill.

Mr. TOWER. Mr. President, I know that the administration is interested in this matter. I think to clear up any doubt I must say that I do not believe that this amendment as presently constituted, which has been offered by the Senator from Pennsylvania, has the imprimatur of the administration. The administration has not put its stamp of approval on the amendment as presently constituted. The administration did approve an earlier compromise measure which is not in this debate.

Mr. SCOTT. Mr. President, I rise with all due respect to say the administration approved three separate sections, two of which are in this measure, and the third is being withheld as a possible amendment to the second Stennis amendment.

This amendment was approved in the form I read it with the exception that the words "or assign" have been added at the suggestion of the Senator from Colorado.

At this time, before I use up the remainder of my time, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, with respect to the yeas and nays, I addressed the Chair as quickly as I could when the yeas and nays were requested. I understood the Senator from Connecticut had an amendment he wishes to offer to the original amendment. Would that be cut off by the yeas and nays in any way?

The PRESIDING OFFICER. The yeas and nays would have no effect.

Mr. SCOTT. I understand the Chair ruled that the yeas and nays had been ordered. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. I wish to ask a question of the distinguished minority leader.

Mr. SCOTT. Mr. President, if we may have order, I yield 2 minutes to the Senator from Oregon.

Mr. HATFIELD. I would like to ask the distinguished minority leader a question. I have listened to the discussion today and I would like to pose the question on the basis of what appears to be some confusion. For those of us who want to support the President, Mr. Richard Nixon, and support the administration position on this question, may I ask the question simply: Do we support the Scott amendment by a vote of aye?

Mr. SCOTT. I would say to the Senator the answer is yes; that the amendment, as I have answered the Senator from Texas, is in three parts, two parts of which are before us.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. TOWER. And that in the original proposal that the White House approved there was a third section added and they approve of the word "unconstitutional" being stricken and a substitution after the word "uniformly" of "as required by the Constitution."

At the request of some of my colleagues I spoke to Mr. Harlow at the White House. He informs there is not authority to give the imprimatur of the administration on the amendment at the present time.

Mr. SCOTT. I have the original notes from the White House on the amendment. Does the Senator dispute the fact that this amendment, referring to the use of the word "unconstitutional" in the original notes, appears here?

Mr. TOWER. That is correct, but I had referred to whether they were amenable.

Mr. SCOTT. Will not the Senator from Texas agree that this is the paper which was handed to me at the time he was present?

Mr. TOWER. I think the last word is the important one, and that was that the administration does not approve of the amendment as presently constituted.

Mr. SCOTT. Mr. President, I stand on my original statement.

Mr. PELL. Mr. President, I yield myself 1 minute merely to reiterate that the administration, to my mind, has displayed tremendous political agility in coming out foursquare on both sides of the issue now twice.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield me 3 minutes?

Mr. PELL. Mr. President, I cannot yield more time on the bill.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. SCOTT. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes on the amendment.

Mr. SCOTT. I yield the Senator from South Carolina 3 minutes.

Mr. THURMOND. I thank the Senator.

Mr. President, I hope the Stennis amendment will be adopted. It is a very brief and concise amendment. It states very clearly what it means. It merely states that the guidelines and criteria established under the 1964 Civil Rights Act and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools.

I do not see how anyone could object to that amendment. The wording of it is clear. The amendment is fair. It is just. It is equitable.

I would remind the Senate of the figures in the five largest school districts in the United States to show that is not the case now; to show that in those five large districts there is segregation, and integration has been pushed in the South but not in the North in some of the large cities.

For example, in New York City, 80 percent of the blacks are in schools over half black; 44 percent in schools over 85 percent black; 10 percent in 100 percent black schools.

In Los Angeles, another large city, 95 percent of the blacks are in schools over half black; 79 percent in schools over 95 percent black.

In Chicago, 97 percent of blacks are in schools over half black; 85 percent in schools over 95 percent black; 47 percent in 100 percent black schools.

Mr. President, the city of Chicago has more segregation than the entire State of South Carolina. I want to repeat that figure; 47 percent of the blacks are in 100 percent black schools.

In Detroit, 91 percent of the blacks are in schools over half black; 59 percent in schools over 95 percent black.

In Philadelphia, 90 percent of the blacks are in schools over half black; 60 percent in schools over 95 percent black.

Mr. President, we from the South want to be fair. We want to be just. All we are asking for is what I told Mr. Nixon when he was running for President. I said, "Mr. Nixon, we are not asking for any favoritism for the South. We just ask to be treated on the same basis as other States of the Nation, because we have not enjoyed that treatment all these years."

That is what we are asking for in the Stennis amendment, to apply the law uniformly to all the States of the Nation, and not punish the South.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 3 minutes to the Senator from Ohio (Mr. SAXBE).

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SAXBE. Mr. President, we heard the senior Senator from Tennessee (Mr. GORE) talk about political apple polishing here today. I might say I have never heard more talk while really avoiding the issue in what we are doing. So I would agree with the Senator on that point.

In this country since 1954 we have witnessed very little effort on the part of Southern States to comply with the case of Brown against Board of Education. We have had tokenism and massive migration to the North. We have 1 million blacks in Ohio. From the standpoint of political advantage, JOHN STENNIS or JIMMY EASTLAND or FRITZ HOLLINGS could get more votes in black precincts than I could, either before or after this vote,

simply because the word "Democrat" appears behind their names. But we have seen only in the last year an effort to hold their feet to the fire to try to do something to bring about an improvement in the system.

I will be the first to admit that we have schools that are 90 or 95 percent black, and that is true of all the big cities. It has come about by geographical concentration. It is to be deplored, and we should work on it, and I am sure we will.

The essence of the Scott amendment is that it should be applied generally and we will not go into the ridiculous busing which I know the South has been subjected to as a last effort to try to get something done. But I submit once we turn our back on the Scott amendment, once we go to the Stennis amendment, with all its good words and good intentions that we can see through, we will have taken a step backward in the struggle for integration. I still believe that integration is the only hope of solving our problem. I know it is not a popular view in many areas, but I know 90 percent of the blacks feel it is and 90 percent of the whites feel it is. We have militants on both sides trying to destroy it. I think the symbolism of it to our courts and to our people will be that it is a step backward, and I do not think we can afford it in this time of trial in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is yielded 1 additional minute.

Mr. SAXBE. Mr. President, I feel if we do not live up to what we said in the original Civil Rights Act, if we do not live up to our good intentions, our Constitution, our Bill of Rights, and if we do not live up to the campaign promises of our respective platforms, both Democratic and Republican, then we have tried to pull a fraud on the public, but we are not going to get away with it because the people know what is happening here today. We can have all the fancy rhetoric and all the fancy language we want to use to say we are really trying to solve this problem and spread this good work throughout the country, but we can look through it and we will see that we would be taking a step backward in our determination to make integration work.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, it is amazing, with as many lawyers as there are in this body, that we have legislated in effect that there are now in this country two constitutions, one for one section, and another for another section.

All States are equal under the Constitution. The Congress has no power to pass laws applicable to only one section of the country, as the present law has been construed, interpreted, and enforced. The Federal school integration law has been interpreted and interpreted by the Executive and the courts to apply to only a few Southern States, while the rest of the country sits back and glibly talks about how they favor integration of the schools, but they do not integrate. They interpret the law to apply only to Southern States, and they integrate schools only in Southern States.

I voted for the law not knowing it was to be applied to only one section of the country. I voted for all the civil rights bills since I have been in the Senate. I voted for the school bills. I voted for one set of laws for all the 50 States; not two sets of laws for two different sets of States. But now we have seen a hypocritical application of this law to only a handful of States.

It is degrading to those States that they are singled out and treated differently from other States, as though they were conquered provinces, not entitled to equal treatment under the Constitution. This is a Union of equal States, each State having the same rights as any other State, and I do not see how we can vote for an amendment such as that offered by the Senator from Pennsylvania, that is designed to carry forward a distinction between States, the present actions that enforce school integration laws in some few Southern States, but not in all of the States. That is what the Scott amendment means, stripped of all the verbiage. It provides for inequality of States. This the Constitution does not permit.

Mr. President, I have voted for and supported all the laws for equal rights for all citizens, but now I am shocked to see that concept warped into unequal rights; unequal rights dependent upon geographical area. I think equal rights for all citizens mean equal treatment for every area, wherever that area is in this country, and that all are to be treated alike. That is not being done now. Every Member of this body knows it is not being done. I say it is time we have equal treatment of all people in this country. I am voting for and supporting equal rights for all our citizens, and equal rights for all States and areas of the country, and equal application of the laws in all the 50 States.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania has 3 minutes remaining.

Mr. SCOTT. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I rise only to ask Senators to visualize what will happen if the Stennis amendment passes. Does any Senator doubt that every State in the South, almost without exception, will move to delay almost any desegregation plan, as they have done heretofore? Or does any Senator doubt the fact that in any new lawsuit, this will be the first measure interposed as a defense, on the grounds that it is not being carried out in terms of going after de facto segregation in the North, which the courts cannot reach anyway?

It seems to me that if Senators will just visualize that situation in terms of the history of litigation in this field, they will have a better understanding of what it would mean to agree to the Stennis amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Do I have any time remaining on the substitute?

The PRESIDING OFFICER. The Senator's time on the substitute has expired.

Mr. SCOTT. I have 2 minutes. I am happy to yield 1 to the Senator from Mississippi.

Mr. STENNIS. No; I was merely inquiring. That is all right.

Mr. SCOTT. Does the Senator yield back his time?

Mr. STENNIS. I yield back my time.

Mr. RIBICOFF. Mr. President, I send to the desk an amendment in the nature of a perfecting amendment to amendment No. 463.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Connecticut (Mr. RIBICOFF) proposes an amendment as follows:

On page 45, between line 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is this a perfecting amendment?

The PRESIDING OFFICER. The amendment is in order as a perfecting amendment if it is adding a new paragraph to amendment No. 463.

Mr. JAVITS. Mr. President, may we know from the Chair, because it is very difficult to tell from the reading, what does it perfect?

Mr. RIBICOFF. Mr. President, I shall be delighted to explain it.

Mr. HOLLAND. Mr. President, may I ask a question of the Senator from Connecticut?

Mr. RIBICOFF. Mr. President, first let me explain my amendment in a few simple words. In line 8——

Mr. BYRD of West Virginia. Mr. President, before the Senator proceeds, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RIBICOFF. Mr. President, all this amendment does is take the original Stennis amendment and, on line 8, after the word "race", add the following clause: "whether de jure or de facto."

Mr. JAVITS. Mr. President, that was not the amendment read to the Senate.

Mr. STENNIS. In effect, it would add those words.

Mr. BYRD of West Virginia. Mr. President, I ask that the clerk reread the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the

way this amendment is drafted, it would not be in order if it is proposing to insert "whether de jure or de facto."

Mr. RIBICOFF. All I want to do is add "de jure or de facto" in the Stennis amendment.

Mr. SCOTT. Mr. President, I ask for the regular order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Take 5 minutes on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will restate the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Connecticut (Mr. RIBICOFF) proposes, in line 8 of the Stennis amendment, after the word "race," to insert the words "whether de jure or de facto."

Mr. RIBICOFF. Mr. President, we have debated this issue now for over a week. This is an opportunity to state, as clearly as possible, that what we seek to do in the United States of America is treat all children and all schools exactly the same, whether the segregation is on a de jure or a de facto basis.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. The amendment of the Senator from Mississippi having been modified by the amendment of the Senator from Connecticut, does the substitute of the Senator from Pennsylvania for the amendment still lie, or must the substitute be resubmitted?

The PRESIDING OFFICER. After this perfecting amendment is disposed of, if agreed to, the question would recur on the Senator's substitute amendment to the amendment as amended.

Mr. SCOTT. So that the first vote occurs, then, on the amendment offered by the Senator from Connecticut?

The PRESIDING OFFICER. The perfecting amendment, that is correct.

Mr. SCOTT. The perfecting amendment.

The PRESIDING OFFICER. That is correct.

Mr. SCOTT. The yeas and nays have been ordered on the perfecting amendment of the Senator from Connecticut?

The PRESIDING OFFICER. That is correct.

Mr. SCOTT. And that will be the first vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and it is on his time.

Mr. RIBICOFF. Mr. President, I am pleased to yield to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I make the following inquiry: Assuming that the perfecting amendment of the Senator from Connecticut is disposed of, voted up or down, and the substitute of the Senator from Pennsylvania is disposed of, and the Stennis amendment, in whatever form it is, still survives, would that amendment be open to amendment thereafter, before it is actually voted upon?

The PRESIDING OFFICER. It would be open for amendment in proper form.

Mr. JAVITS. With a limitation of time as agreed to?

The PRESIDING OFFICER. Under the unanimous-consent agreement, that is correct.

Mr. JAVITS. I thank the Chair.

Mr. RIBICOFF. Mr. President, my position is very clear. I do not care to take any more time. I am pleased to yield to the Senator from Mississippi.

Mr. STENNIS. I ask the Senator to yield me 3 minutes.

Mr. President, this amendment is proposed, as I understand it, to make certain and to clarify and to expressly cover the concept of de jure and de facto segregation. I support the amendment. The better and clearer it is spelled out, then the intentions are well known. I am for the amendment. I think it adds word strength, and I am glad to have the suggestion of the Senator?

I hope the amendment will be adopted.

Mr. SCOTT. I yield 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island has time on the amendment.

Mr. PELL. Mr. President, how much time do I have on the amendment?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 hour.

Mr. PELL. Who has the other hour?

The PRESIDING OFFICER. The Senator from Connecticut (Mr. RIBICOFF).

Mr. PELL. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard. Senators will please take their seats. Aides will be seated in the proper area.

Mr. SCOTT. Mr. President, the amendment offered by the distinguished Senator from Connecticut neither adds to nor detracts from the original amendment offered by the Senator from Mississippi, in the opinion of this Senator.

All along, the effort here has been to delay or prevent the application of the desegregation laws and precedents to an existing situation by diluting the enforcement capacity to apply enforcement procedures to situations where courts have not yet acted, to declare that relief is needed or remedies must be applied. In other words, with a few exceptions, the courts have not yet acted upon de facto segregation.

What we have heard today are a great many people, including this speaker, say that they are against de facto segregation. We have heard a great many people say that they are for civil rights. But what is happening here is that this is one further amendment which, in my judgment, would add to the disruptive forces in the Nation, would so dilute the activities of the Department of Justice as to render it impossible to enforce the existing laws, and would anticipate what the Supreme Court may or may not do when the issue of de facto segregation reaches that Court.

I do not want to delay the Senate beyond saying that this is further delaying action; that there is implicit in this amendment the same defects that exist in the original Stennis amendment; that if you are for the Stennis amendment, you would be for the perfecting amendment; that if you are for the Scott substitute, you would be against the perfecting amendment.

Therefore, I respectfully indicate my opinion that nothing has been gained or added, except the passage of time, by the addition of these words. I hope that the amenment as perfected will be rejected, so that we can proceed to the merits on the substitute I have offered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield time?

Mr. MANSFIELD. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes.

Mr. GRIFFIN. Mr. President, I take this time to direct some inquiries to the author of the perfecting amendment.

I am inclined to agree with the distinguished minority leader that the amendment does not really change what the Senate understood to have been the meaning of the Stennis amendment as originally offered—that it was intended, whether or not those words are there, to apply to de facto as well as de jure segregation.

My questions have to do with what is de facto segregation. We have had no hearings whatever on this very important question, as the Senator from Minnesota has pointed out. So I think that, as long as we are very seriously considering taking this action in the Senate, which is interpreted by some as going to be meaningful, I want to know what de facto segregation is in the eyes of the Senator from Connecticut.

Mr. RIBICOFF. I am delighted to reply. The best way for me to reply is to read the Senator some statistics.

In Ohio, 105 schools are 98 to 100 percent black. That is de facto segregation.

In Philadelphia, 57 schools with 68,000 children are 99 to 100 percent black. That is de facto segregation.

In Illinois, 72 percent of the black students attend schools that are 95 to 100 percent black. That is de facto segregation.

In New York City, out of a total enrollment of 1,360,000 students, whites are 44 percent, 467,000; black, 31 percent, 335,000; Spanish-speaking, 23 percent, 244,000. The 90,000 blacks are in 119 schools that are 99 to 100 percent minority group. That is de facto segregation.

A similar situation exists in Buffalo and Rochester, N.Y.

De facto segregation, to me, is very clear. When you have thousands upon

thousands of students going to schools in the North where the whites constitute only a minute portion and the school is overwhelmingly black, that is de facto segregation.

Mr. GRIFFIN. If I may ask further of the distinguished Senator from Connecticut, is he saying, then, that racial imbalance alone, without other factors of any kind—whether or not there is discrimination in fact, either by Government or otherwise—is de facto segregation as contemplated by his amendment?

Mr. RIBICOFF. I would say that that is de facto segregation.

Mr. GRIFFIN. Racial imbalance alone?

Mr. RIBICOFF. That does not mean under guidelines.

Mr. GRIFFIN. If I may ask the Senator further, what percentage of racial imbalance does he contemplate by his amendment in order to constitute de facto segregation? Is he talking about 90 percent black, 80 percent, 70 percent, 50 percent, 52 percent? What is he contemplating? What racial imbalance and to what degree?

Mr. RIBICOFF. I am contemplating this: That by the adoption of this amendment, the Government of the United States, the Federal Government, is going to have to face the facts of life.

Mr. GRIFFIN. I am trying to find out in what situations we face the facts of life.

Mr. RIBICOFF. The Senator asked me a question. Let me answer it. Let me explain what we seek to accomplish. We should not have a meat ax approach, or a blanket approach. It is obvious that if we are in a town with 10 percent black and 90 percent white students, the 10 percent black students are in schools all black, so that we can write guidelines that will be easy, to take the 20 percent of those students and scatter them and put them into white schools where we will have a racial mix.

But in Washington, D.C., with 94 percent blacks and 6 percent whites, there is not a guideline that anyone can write that can desegregate the schools in Washington.

The United States of America will have to face up to the situation we have now reached, that is a position in the country where it is impossible to desegregate. So, let us find out how we can give those children an education.

Mr. President, let me give you a few examples of one of the gravest problems in America, the problem of resegregation.

A Cleveland high school was built with originally 60 percent white and 40 percent black students. This was a Cleveland high school. They wanted to build a new high school to encourage integration, so they built a new high school in an area where they had figured out it would solve the problem.

Today, that high school is 95 percent black.

In Baltimore, in 1957, a new high school was built. It started out with 80 percent white students and 20 percent black students.

At present, out of 2,700 students in that school, there are only 25 whites.

Mr. President, what we are going to have to do in America is look at the entire problem of education and at the entire problem of our segregated society.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. RIBICOFF. Mr. President, I yield myself 5 minutes on my own time.

Mr. SCOTT. The Senator from Connecticut has yielded himself his own time.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Michigan 5 minutes of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, what we must do, whether in the North, South, East, or West is to look at the problem of education, to look at the children of America and make the determination as to what is best for them. Perhaps we will have to admit that the policies and formulas we have adopted, out of good intentions but out of ignorance of the consequences, are not working.

We are going to have to look at America with a sense of reality and make that determination.

This morning, I read in the newspaper that the President has appointed the Vice President, and a distinguished number of members of his Cabinet, together with Mr. Moynihan and others, to look into the entire problem of desegregating our schools.

I would hope that this group of men will now look North, South, East, and West and make the determination as to what is best for the children of America, black and white, and not on some theory that is not working.

I think the time has come for us to admit that our desegregation policies are not working in America.

I cannot give the exact solution as to what will take place, but this is a responsibility that the President of the United States will have to face. This is what I thought the President was saying in his statement of February 12.

I have confidence that if this becomes the policy of the United States, the President, and those working with him, will look at America and the problem of education and will come up with the determination as to what is in the best interests of the children of this land.

Mr. GRIFFIN. Mr. President, if I still have the floor, I should still like to ask the Senator from Connecticut, What is meant by de facto segregation? I think this is a very important question, one dealing with the equal and uniform application of the Supreme Court decision which related to the 14th amendment guarantee that no State shall deny equal protection, and no State shall discriminate, nor any subdivision thereof. I think we knew what we were talking about, because if there is a Government policy discriminating on the basis of race, it is wrong, whether it is 15 percent, 20 percent, or 50 percent, or 90 percent—whatever it is—it is wrong.

No State can discriminate among its citizens on the basis of race regardless of the percentage or whether there is a balance of the races. I think we are, by definition of the Senator, considering the very difficult question of whether racial balance in any particular situation is, in and of itself, necessarily to be guaranteed by law.

Let me give the Senator from Connecticut a hypothetical situation. I will concede that it is hypothetical in many situations.

Conceive of a situation in either the South or the North where we do have equal employment opportunities, the laws are meaningful to the blacks and they are not discriminated against in employment opportunities.

Conceive of a situation either in the North or South where housing laws do provide equal opportunity for living in the neighborhood of their choice, without discrimination.

Suppose, further, that, exercising that right, Negroes move into an area which previously may have been 75 percent white. They move in and later it turns out to be 75 percent black.

In and of itself, without any discrimination, either by government or otherwise, is the Senator saying, then, that there is created a right, or some demand that, then, those students must be transported to the other end of town because there is a racial imbalance?

Mr. RIBICOFF. Let me say to the Senator that, under those circumstances, if I were still Secretary of Health, Education, and Welfare, I would not order busing, because I am now dealing with——

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. RIBICOFF. Mr. President, I yield 5 more minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, I am now dealing with reality. I would look at the problem that was facing me and consider the children in that area.

It is amazing, the attitude of white people. Many liberal whites assume that every black wants to be with whites.

Well, if we study writings and the workings of the black militants——

Mr. GRIFFIN. Absolutely.

Mr. RIBICOFF. They do not like the whites any more than the whites like the blacks. They are anxious for schools that work.

This past week, I read an editorial in the Detroit Free Press pointing out that the city of Dearborn is almost lily white and yet, in the Detroit area, 40,000 blacks find it difficult to move in and work in Dearborn because the zoning laws which have been put into effect by the white middle class have frozen out the Negro.

How do we work that out, as a practical problem?

Mr. President, let me give you some examples of how I think it can be done.

Let us take a manufacturing company—let us call it X—I do not want to name it—it is going to build a new plant in a town and will have 10,000 jobs available. The town wants that new industry. The people building the factory are going to provide for 10,000 new jobs—1,000 of those jobs going to blacks. They should go to the town officials and insist that if

they are coming into that town, and they build new housing, the town must build the new housing to support 1,000 blacks, as well as to support the whites because they do not wish to place 1,000 black families into a ghetto. The 1,000 people will be scattered through the town and there will be a racial mix of 90 to 10. Ten percent of the pupils will go to the neighborhood schools where they live and play, with white students, and there will be no difficulty at all.

It is tough to consider the reality of the situation, but I think that America will have to reach the stage where it will have to eliminate theories and come to grips with the problem of the social and economic racial realities, of how blacks and whites can live together.

We are going to have to take every city by itself. And that does not worry me.

It has been said on the floor that this is a terrible thing we are going to do. We are going to have segregation in the South because we would water down the enforcement provisions.

My understanding is that for another $3 million in the budget, the Office of Civil Rights can conduct the supervision of the North as well as of the South without affecting desegregation in the Southern States.

The Senator from Minnesota and the Senator from New York have proposed an amendment that I was against, standing by itself as an amendment to the Stennis amendment. But if the Stennis amendment is agreed to, and we say to the United States that we are going to treat everyone the same, North, South, East, and West, I would then support the Mondale-Javits substitute of a special select committee of the Senate to go into the basic problems of education, job opportunities, and housing.

I would make a change in the proposal of the Senator from Minnesota and the Senator from New York. I would add to the members they suggest, members from the Committee on Banking and Currency, because basically the whole problem of a segregated society involves housing—where people live. If we are to have housing programs and have a subsidized program that has meaning, I believe the wisdom and experience of the Banking and Currency Committee Committee should be added to that of the other committees so that we might have the Banking and Currency Committee address themselves to the multiple programs.

The reason I have been fighting for the Stennis amendment is that this is the first opportunity I have found that we in the Senate can be constructive. Let the President, with his Agnew Commission, work from the executive branch.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, let the U.S. Senate using a select committee go into hearings in depth on the entire problem. Let us eliminate the hatred of one group for another and try to find out how people in America can live together, work together, and go to school together.

It is not easy, but it will never be solved as long as we have a different system in the North and South. That is why I am for the Stennis amendment. I do not have any pat answer, and I think the beginning of wisdom on the part of the U.S. Senate would be the wisdom to realize that we do not have pat answers.

Mr. GRIFFIN. Mr. President, I commend the Senator from Connecticut in many respects for what he has said, for his courage and for the way he has put his finger on the hyprocisy in the North. And there is hypocrisy in the North.

I respectfully suggest, however, that he has the cart before the horse in trying to legislate in the area of de facto segregation when we do not know what it means.

The Senator from Minnesota has a much more meaningful approach, and that is to study the problem first and try to find the limitations.

It is common knowledge that other minority groups sometimes live together and choose to go to school together out of choice. People of Polish descent and people of the Jewish faith often do so. Perhaps in some instances it is because of discrimination. If there is discrimination, that is wrong and we should do something about that.

If it is by choice, then are we going to say that because there is an imbalance in a particular school that, ipso facto, we have de facto segregated schools and we must bus these people across town?

That is what the Senator has said with respect to the Negroes.

Mr. RIBICOFF. That is not what I had to say. What I am saying is that if the Negro wants to live in a community by himself and control his own school with a meaningful educational program, I am not going to scatter any group of people who want to be by themselves to the four winds in the county or city. Those of us who follow the problems of education realize that today the black leadership is worried, the black leadership is concerned.

The black leader is not confident that the laws we pass will work. And I think the beginning of wisdom in the United States will come when we realize a law is not working. Let us find out what works. All we know is that the school system in the United States is in disarray and decay.

As I mentioned the other day, in every large city in the United States, we have reached a stage where schoolchildren are at war with one another. And this is a condition that no sane society can allow to endure and to continue.

I do not have the pat answers, but I know that we have to pull the sting from the venom of hatred that has been scattered so deeply into the American psyche. And it is there.

We talk about the black and whites. In the Southwest we have the Choctaw. His problem is deeper and worse than that of the black. In sections of the West, we have the Indians. We have the Puerto Rican situation.

We have a great social problem in this country. And if nothing else happens, if the debate that has been held here for the past few weeks leads to a call for reappraisal of the situation for the benefit of our Nation, the debate has been worthwhile.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me that every once in a while we all go back to our professions. In this case, I go back to being a lawyer. I would like to point out to the Senate what it would do if we were to agree to the amendment.

Others have said, of course, that there is no moral justification for what happened. We then point to a Negro or Puerto Rican child who has been educated in a school which is very heavily of that group.

The question we are wrestling with today is what to do about it. The whole concept of the law we have passed, the entire discussion and decisions of the Supreme Court have been in an effort to deal with de jure segregation.

That is all that has been done now for over 16 years. We all understood that. We thought that was as far as we ought to go with a problem as tough as this one is.

The Senator from Connecticut, with his magic, would give us a load to carry that would break our backs. Talk about kidding each other. Watch this one work. We are being asked to take over the Federal control of education.

I have reread the laws because I do not trust my memory. There is nothing in the Civil Rights Act of 1964 or in section 182 of the Elementary and Secondary Education Amendments of 1966 which says anything about de jure or de facto segregation.

I would like to read section 601 of the Civil Rights Act of 1964.

It reads:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

It then goes on to say what shall be done about that.

Similarly, the Elementary and Secondary Education Act, concerned with the Civil Rights Act of 1964, says that the Commissioner of Education shall not defer action or order action served or any application for Federal funds—until 60 days after notice is given, unless a hearing has been held.

Again, no mention of de jure or de facto segregation.

There is not a word about de jure or de facto segregation.

The Stennis amendment says that it is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments

of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race.

And the Senator from Connecticut would add, "whether de jure or de facto."

What are we asking HEW to do? HEW now has the right to set guidelines and to set rules which will apply to de facto segregation.

They are going to take all of these definitions about which the Senator from Michigan asked the Senator from Connecticut. The Senator from Connecticut was Secretary of Health, Education, and Welfare. They are going to make the definitions. They are going to say 20 percent is good in Cleveland, 32 percent is bad in New York, or whatever the case may be.

As I understand it, and I have been the ranking member of the Committee on Labor and Public Welfare for some years, one of the sacred cows, or the most sacred cow, even more sacred than this one, is, "Do not interfere with education." Let the Federal Government contribute money but let there be no interference with educational policy or matters involved in the dynamics of education.

If it stands up I cannot think of anything to put the courts and HEW in this business more. The first question will be whether the United States has any jurisdiction; then, whether it can reach de facto segregation. I have an idea that when some of my friends see the extension of Federal power over matters which have heretofore been beyond Federal power, they are going to be appalled by the witch's caldron into which we look.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. PELL. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, if I wanted to be cute, I would say that this measure is great and that I am all for it. That indicates the ridiculousness of the entire proposition. One of two things will happen. All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law. Frankly I do not know which is best for my argument but I think that I do see the situation clearly because I have been so immersed in this matter for so long.

Here we would be delivering the entire matter to the Federal courts by the amendment and for the first time Congress would say, "It is the policy of the United States that HEW guidelines shall regulate de facto segregation."

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. Mr. President, I have a great deal of respect for Secretary Finch and Commissioner of Education Allen. As a matter of fact, when President Kennedy asked me to be Secretary of Health, Education, and Welfare I had asked Commissioner Allen, then State commisisoner of New York, to be my Commisioner of Education.

These two men today are going through the tortures of hell. The Senator talks about a cauldron. They know. They are in a witch's cauldron. All one has to do is read the newspapers day by day and he will see that the Secretary of Health, Education, and Welfare and the Commissioner of Education change their minds constantly. They do not know where they are going. The reason is that America does not know where it is going in the field of education.

The Senator from New York is concerned with the problems of the North and that it is going to cause a lot of problems. Surely, it is going to cause a lot of problems, but the people in the South are concerned because it is causing problems there. It does not make a difference whether it is de jure or de facto when 99 percent of the students in a school are white and in New York City it is called de facto, while in the South there are 99 percent white students in a school and it is called de jure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. I ask for 3 additional minutes.

Mr. STENNIS. I yield 3 minutes to the Senator.

Mr. RIBICOFF. The adoption of this amendment would cause all of us to back up and take a look. It is not Federal control of education. We are all against that. But you have given HEW the authority to do certain things with education in the South. Now the question comes, we who are so anxious and call into question the integrity of the South, what sincerity and integrity do we have in the North? As the Senator from Michigan pointed out, there is no pat answer. Anybody who works in this field is going to have to admit to himself that there are no pat answers. But what is going to happen as the result of this debate is that the President of the United States, the Secretary of Health, Education, and Welfare, the Commissioner of Education, and the Congress are going to take a good hard look at the whole field of education.

I am not impressed with the fact that all these years we have passed these laws. When we passed them we did it with the best of intentions. But they are not working at the present time and since when should we be stuck with laws that do not work? The whole purpose of Congress, when a law does not work, is to amend it or repeal it.

I am concerned about a $35 billion education bill at this time. We have a $35 billion education program and we do not know the results of many of these programs. Many of them are out-and-out failures. We are throwing billions of dollars down the drain. I want more to go into education—but into education that produces meaningful results for blacks and whites, for the North, South, East, and West. But it is not going to be one rule because there cannot be one rule. You are going to have a situation, where it is easy, to bus a dozen kids a few blocks, and where it is not easy to bus them 10 or 15 miles. That does not make sense for blacks or whites. You have to take America for what it is and you try to work out an educational program for the entire Nation.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. SCOTT. The Senator from California asked to be recognized.

Mr. PELL. I yield 2 minutes to the Senator from California.

Mr. GURNEY. Mr. President, who has the floor?

Mr. RIBICOFF. The Senator from Rhode Island yielded to the Senator from California.

Mr. GURNEY. I thought the Senator from Connecticut yielded to me.

The PRESIDING OFFICER. The Senator from Connecticut has the floor and he yielded to the Senator from Florida. However, the time of the Senator has now expired.

Mr. RIBICOFF. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. RIBICOFF. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, I commend the Senator from Connecticut on his argument. In answer to the argument of the Senator from New York I was astounded as I listened to the argument of the Senator from New York in the field of education.

As I understood his argument it was: Do not vote for the Stennis amendment; it will cause disruption and chaos in the whole public school system of the North; leave it in the South. We know it is there. We have been trying to deal with it month after month. It is said to leave the disruption and chaos there but do not bring it to the North.

Mr. RIBICOFF. Mr. President, I do not want chaos in the North or in the South. I want the commonsense of the people of this country and the commonsense of this group of men and women for whom I have more respect than I do for any other group of people in the country, to take their hearts, minds, and experience, North, South, East, and West and work out a program that has meaning for the entire United States.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think we have the issue posed here very clearly. One Senator said within my hearing when the Ribicoff amendment was read, "We know what this is all about." I think we do. I do not think we are bedazzled by generalizations which are beautiful and which we can agree on; but they do not answer the words in the statute. The issue is simply this and it is very clear. The Senator from Connecticut is frank about it. He said that you have to stop everything until you get a plan which will deal with the North and the South. I think we say—at least I say—I believe it represents the view of those on the other side, "Go on with what you can go on, and do your utmost to make it more just; improve it and do what you can to reach everything else."

I respectfully submit——

Mr. RIBICOFF. Mr. President, I yield to the Senator from Vermont——

Mr. JAVITS. Mr. President, I am not finished. My time has not run out.

If I may say so, in terms of governance, it is my deep conviction that if we go along as we have and at the same time try to increase our efforts, that is more calculated to bring about a Government of justice and tranquillity than would be so if we stopped everything and allowed us to receive the full accumulation of the deep grievances of injustice which are so rank in this country.

Mr. RIBICOFF. Mr. President, before I yield to the Senator from Vermont, may I say it is ironic how well the Senator from New York can put the thoughts of other people in words. Talk about tranquillity. New York City today is the greatest jungle in the world. That jungle is the school system of New York. When the Senator from New York talks about chaos, could there be any greater chaos anyplace? Senators all read the newspapers. We see that plastered all over the newspapers day in and day out. Talk about chaos. There is no tranquillity. If any corrections are needed in the United States of America, it is in the city of New York.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I resent the statement that none of the States of the North want to come under the same law. It is not the North. It is seven or eight of the biggest cities that want to be exempted from the law, if I have understood the debate correctly. I would say that most of the North, including northern New England, almost all of New England, would be delighted to come under the same laws applied to the entire 50 States.

Mr. RIBICOFF. May I reply by saying that I am not concerned that we are going to have chaos or that integration is going or is not going to stop. It is going to continue, under the Supreme Court decisions, because men of good will are going to help to bring it about in the North and those who love education are going to try to work it out. I do not think we could be worse off in education than we are today.

I yield to the Senator from California.

Mr. MURPHY. I thank the Senator. I would like to point out once again that in this great Chamber we get twisted in legalistic positions, and the practical positions get lost.

In California it is not a question of black and white. In the chief city in my State 22 percent of the schoolchildren have Spanish surnames. What about them? Are they to be neglected in this?

In San Francisco there is one whole area of Chinese, and that area is increasing. They are fine citizens and they are entitled to the same consideration for their children and their education.

In one area of Los Angeles there is an entire area—de facto, if you will—of Japanese.

Many times we rush in to try to accomplish something that is right and proper, but it is approached with emotionalism rather than from a workable and practical and conscientious consideration, which finally, at long last, we must face here and now.

I would like to bring to the attention of my colleagues that it is not just a question of black and white. It is a question of basic principles of civil rights, if you please, for people of all colors and the application of Federal law in all areas, not just one or two or three areas or States or large cities.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I do not wish to detain the Senate. We have heard, in the debate on the Stennis amendment and the perfecting amendments, that the Stennis amendment would have the effect of delaying school desegregation in the South; that it would be the first defense interposed by southern school districts.

I submit there is no such language in the amendment or perfections to it. There is not a single syllable relating to the inapplicability of the rules or standards that can serve as a defense on behalf of any school district.

I would like to point out, second, as I have previously pointed out, that the essence of the Scott substitute for the Stennis amendment is contained on page 150 of the bill before the Senate, at lines 12 through 14, subsection (c), which reads—this is not the amendment; this is the bill—"All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States."

Mr. President, I believe that we are all dedicated to equality of enforcement of statutes, rules, and regulations, and I believe we are going to have it. The real question is whether we face reality.

Mr. RIBICOFF. Mr. President, I am ready to yield back my time.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. HART. Mr. President, I am not a member of the Committee on Labor and Public Welfare, but it seems to me we should remind ourselves as we approach this vote that, not by any action of the Senate, but by action of the Supreme Court, the Senate is on notice that in one chunk of the country, as a result of unconstitutional conduct by governmental authorities, there is a pattern with respect to the school systems that ought to be corrected, and that we want to bring it in conformity with constitutional obligation; that the remainder of the regions of the country have a pattern, not as a consequence of action by public officials, and not now labeled unconstitutional by the Supreme Court, that we ought to correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. May I have a half a minute?

Mr. PELL. I yield to the Senator from Michigan.

Mr. HART. As we approach this vote, let us be on notice that de jure segregation is unconstitutional—not de facto yet, but de jure. Let us not inhibit our effort to correct an unconstitutional pattern by diluting our energies with respect to the de facto pattern. Let us realize that what we are seeking to correct is what we have long been on notice is the result of unconstitutional action.

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. PELL. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the perfecting amendment of the Senator from Connecticut has been yielded back. The question is on agreeing to the perfecting amendment of the Senator from Connecticut to the amendment of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The pair of the Senator from Massachusetts (Mr. BROOKE) has been previously announced.

Mr. NELSON (after having voted in the negative). On this vote, I have a pair with the Senator from Arkansas (Mr. MCCLELLAN). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BENNETT (after having voted in the affirmative). On this vote, I have a pair with the Senator from Massachusetts (Mr. BROOKE). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

The result was announced—yeas 63, nays 24, as follows:

[No. 42 Leg.]

YEAS—63

Aiken	Fong	Moss
Allen	Fulbright	Murphy
Allott	Goldwater	Pearson
Anderson	Gore	Prouty
Baker	Gravel	Randolph
Bellmon	Gurney	Ribicoff
Bible	Hansen	Russell
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hollings	Sparkman
Cannon	Hruska	Spong
Church	Hughes	Stennis
Cooper	Inouye	Stevens
Cotton	Jackson	Symington
Cranston	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Long	Tower
Eagleton	Magnuson	Tydings
Eastland	Mansfield	Williams, Del.
Ellender	McGee	Yarborough
Ervin	McIntyre	Young, N. Dak.
Fannin	Montoya	Young, Ohio

NAYS—24

Bayh	Hart	Pastore
Boggs	Hatfield	Pell
Burdick	Javits	Percy
Case	Mathias	Proxmire
Cook	Miller	Saxbe
Goodell	Mondale	Schweiker
Griffin	Muskie	Scott
Harris	Packwood	Williams, N.J.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Bennett, for.
Nelson, against.

NOT VOTING—11

Brooke	Kennedy	Metcalf
Dodd	McCarthy	Mundt
Dominick	McClellan	Smith, Ill.
Hartke	McGovern	

So Mr. RIBICOFF's perfecting amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I have a perfecting amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

On page 1, line 9, of the Stennis amendment strike all after the word "State" and insert a period.

Mr. JAVITS. I yield myself 15 minutes.

Mr. JORDAN of North Carolina. Mr. President, will the clerk please repeat the amendment?

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

On page 1, line 9, of the Stennis amendment strike all after the word "State" and insert a period.

Mr. JAVITS. Mr. President, it seems to me that now that we have acted as we have, it very materially broadens the amendment which was interposed by the Senator from Mississippi; because we have added now, in my judgment, a very broad additional area of jurisdiction—indeed, an area of jurisdiction very much broader than the area of jurisdiction which was originally encompassed in the Supreme Court decision and, therefore, in the Civil Rights Act of 1964 and in section 182 of the amendments to the Elementary and Secondary Education Act.

It is very essential for us now to reconsider a question which has been raised in this debate time and again as to the real implications and meanings of the words "without regard to the origin or cause of such segregation." If this reference is now going to be applied to the concept of de jure or de facto segregation, without any regard to the origin or cause of such segregation, it is going to be extremely difficult for the courts or the Secretary of Health, Education, and Welfare, to really administer it. It seems to me that we have pretty well explored the fact that in respect of de jure segregation we have had the interposition of State action or of some kind of governmental action. This generally had a history rooted in the separate-but-equal school system; and various presumptions, and so forth, arose in that regard. We argued that at great length. I shall refer to it again in the course of my presentation of this amendment.

With regard to de facto segregation, we have not dealt with this subject at all. If we are going to go into de facto segregation in the courts and in the Department of Health, Education, and Welfare, it becomes critically important whether it is based upon housing patterns, whether it is based upon educational concepts, whether it is based upon the particular way in which a school system has been organized, and so forth.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate is not in order.

Mr. JAVITS. There are a number of additional considerations not relevant to de jure segregation which are now introduced into this equation. Therefore, it seems to me that the idea that we will suddenly strip both the issue of de jure segregation and the issue of de facto segregation of any concept of origin or cause in the eyes of both the HEW and the courts is untenable. It becomes even more untenable now—though it has been picked up time and again by Members on both sides of the aisle—than it was before. It is a fact that in given cases, the court has engaged in a presumption, with regard to de jure segregation, that if there has been a segregated school system based upon governmental action, that continues, and that there must be proof that it is being desegregated or that it has been desegregated.

It seems to me, therefore, that in the case of de facto segregation, you would also have similar presumptions with respect to patterns of housing, with respect, as I have said, to the organization of given departments of education, with respect to the pedagogical and educational practices of given school districts which affect the question of origin or cause of such segregation.

So I believe that there is much more reason for dealing with this subject and striking out this particular part of the Stennis amendment now, so long as we are engaged in perfecting it, than there was before.

Much has been made here of the fact that we wish to apply in an evenhanded way, all across the country, the same law. But I respectfully submit that now that we have made a new law, for the very reasons that the Senator from Tennessee (Mr. GORE) argued that this was a statement of policy and, therefore, could conceivably be rejected by the administration or be rejected by the courts.

Precisely because it is a statement of policy of the United States, it seems that the good faith of the United States is at stake; or it is being accepted rather than rejected by governmental agencies and courts. Certainly, that is true of a governmental agency like the Department of Health, Education, and Welfare which is required to make orders, rules and regulations, and guidelines, in respect of this particular matter.

Now, Mr. President, I point out again, by way of supporting the argument that there has been considerable expansion, by adoption of this amendment, of the responsibility of the United States and the policy of the United States, that title VI, section 601, of the Civil Rights Act of 1964 does not in any way refer to de jure or de facto segregation. The same is true of the amendments to the Elementary and Secondary Education Act of 1965, adopted in 1967, that they do not deal with de facto or de jure segregation.

Mr. SCOTT. Mr. President, will the Senator from New York yield right there, so that I may address an inquiry to the distinguished majority leader?

Mr. STENNIS. Mr. President, will the Senator from New York yield?

Mr. SCOTT. I wish to address an inquiry to the distinguished majority leader. It was my understanding that there will be some time consumed on this amendment, and if we are not going to vote tonight, I wonder whether we could not have an agreement that we would vote tomorrow, and as to what time we will be coming in.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. JAVITS. Mr. President, I have the floor. May I ask for what purpose the Senator from Mississippi wishes me to yield to him?

Mr. STENNIS. I want to make a comment on the statement just made by the Senator from Pennsylvania.

Mr. JAVITS. I yield for that purpose.

Mr. STENNIS. Mr. President, the language proposed to be stricken out is similar to what has just been inserted—to wit, de jure or de facto; but on the matter of procedure, I would like first to dispose of this amendment tonight if we could, and then vote on the Scott proposal in the nature of a substitute and, if that is defeated, then vote on the amendment itself. Let us dispose of this matter. I think we have had good and full debate.

I just want to state my position before anything more is said about what should be done tonight.

Mr. SCOTT. Mr. President, will the Senator from New York yield to me further?

Mr. JAVITS. I yield.

Mr. SCOTT. I should like to query the distinguished majority leader, since the information is that there will be some more time consumed on this amendment, whether the majority leader would be ready to suggest an adjournment now, and an hour for meeting on tomorrow?

Mr. MANSFIELD. As the distinguished minority leader will recall, we did agree on coming in tomorrow at 11 o'clock, and that order has been granted.

The PRESIDING OFFICER (Mr. CANNON in the chair). Will the Senate please be in order.

Mr. MANSFIELD. Mr. President, it appears to me that this has been a long, a hard, and an arduous day. From the tone of the present speaker, it looks to me as though he has good leverage to talk for a considerable length of time further tonight.

In view of the present circumstances, I would suggest that there be no further debate tonight on the pending amend-

ment; that if there are other Members who wish to speak on some other amendment, that we adjourn very shortly, and that there be no further votes tonight.

Mr. JAVITS. The Senator is right. This amendment can come before or after. I believe it will facilitate the vote on the amendment of the Senator from Pennsylvania tomorrow. I would assume I could withdraw my amendment now and let us go ahead with the Scott amendment on tomorrow.

Mr. President, I withdraw my amendment, clearing the way for a vote on the modified Scott amendment tomorrow. With that understanding, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

(The pending Scott amendment (No. 500), as modified, is as follows:)

On page 45, between lines 4 and 5, insert the following:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that no local educational agency shall be forced or required to bus or otherwise transport or assign students in order to overcome racial imbalance."

Mr. AIKEN. Mr. President, do I correctly understand that we vote on the Scott amendment tonight?

Mr. MANSFIELD. No. We shall vote on the Scott amendment tomorrow.

Mr. AIKEN. I thank the Senator.

Mr. MURPHY. Mr. President, first, I want to congratulate Senator PELL for his work in bringing this comprehensive education bill to the Senate. This bill, H.R. 514, the Elementary and Secondary Education Act of 1969, is a complex bill with the report accompanying the measure running over 400 pages in length. The measure is a product of extensive hearings and long executive sessions where many amendments were considered. The result, I believe, is a bill that should be supported by the full Senate. I strongly urge its enactment.

There are many provisions of the bill in which I am interested and which I strongly support, such as adult education, the new gifted and talented children program, which I cosponsored, the extension of the Teacher Corps program, the codification and extension of the handicapped programs, the supplemental centers, improvements in the migrant education program, the provisions strengthening State and local education agencies, vocational education, the new authority for evaluation of education efforts, and, of course, the extension of the impacted-aid program. I am particularly pleased with the extension of two programs, which are very dear to my heart, and which I believe are so promising. I am referring to the dropout prevention and bilingual programs. Only recently I wrote the conferees of the Labor-HEW appropriations bill urging that the $25 million level for the bilingual program be retained and that dropout prevention program funds be increased. I was greatly honored that the President of the United States did see fit to single out my program, the dropout prevention program, by requesting that an additional $10 million be provided for this high priority effort.

Today, Mr. President, I will limit my discussion to what I regard the most significant amendment or new program in the bill. I am referring to the incorporation by the committee of the Urban and Rural Education Act, S. 2625, which I introduced on July 15, 1969, as a new part C of title I of the Elementary and Secondary Education Act. I drafted S. 2625 in response to the educational crisis which I believe exists in certain urban and rural school districts across the country. S. 2625 provides a 30 percent add on for the first year and a 40 percent add on for second and subsequent years to school districts in both urban and rural America having large numbers or high percentages of children from low-income families. In an accompanying floor statement, I documented how these districts reached the educational and fiscal crisis that they face today. I traced the changes that have taken place across the country in the past two decades, changes I believe we must understand, if we are to adequately deal with the education problems that are confronting our country.

I ask unanimous consent that my full statement of July 15, 1969, be printed in full in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, as initially introduced, S. 2625 would have provided additional assistance to school districts where—

The number of disadvantaged title I children was double the national rate of low-income children; or

The number of title I children was 5,000 or more.

These tests were modified in committee so that to the urban test of 5,000 or more title I youngsters was added the requirement that the number had to constitute at least 5 percent of the total children in the school district.

The rural test—double the national average of title I youngsters—which would have been 31 percent, was changed so as to now require that the number of title I children is at least 20 percent of the total children in the school district. To take care of those cases where local educational agencies miss qualifying under the formula by a relatively small number of children, a total of 3 percent for the first year and 5 percent for the second and succeeding years of all sums made available under this program is set aside. The initial bill provided for 3 percent initially and 4 percent for succeeding years. An amendment by Senator PROUTY raises the 4 percent to 5 percent. Under this relief provision, a local educational agency which narrowly misses qualifying under the above formula may receive a grant under this part if the State educational agency determines in accordance with the standards and criteria established by the Commissioner of Education, that such local educational agency has an urgent need for financial assistance to meet the special educational needs of educationally deprived children.

I have written various requirements into this part C program; namely, that funds under this part will be used solely in preschool programs or elementary schools serving the highest concentration of children from low-income families. The rationale for this requirement was adopted by the committee as noted in the committee's discussion of this requirement:

The Committee believes that Title I funds should be focused on the early years of education. This requirement in Part C was adopted by the Committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.

Experience under other federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the pre-school and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level.

In addition, local educational agencies are required to use these additional funds in schools within the district having the greatest need. That is, in those schools having the highest concentration of children from low-income famiiles. One of the criticisms voiced frequently regarding title I funds is that the district is spreading such funds too thinly to get maximum results. Commenting on the need for concentration of title I funds, the fourth annual report of the National Advisory Council of the Education of Disadvantaged Children concluded:

Success with these children (Title I), in sum, requires a concentration of services on a liimted number of children.

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

Similarly, Mr. President, California's title I evaluation report for 1967–68 says:

Characteristic of the most successful programs was their concentration of services on a limited number of objectives and a limited number of specifically identified children.

The recent California title I evaluation report for 1968–69 says that the importance of concentrating services comes out louder and clearer from an examination of the individual school districts' reports. I quote:

The most successful programs are those that concentrated services on a limited number of objectives and a limited number of specifically identified children. These projects focused on a few activities, adequately

funded. However, there are still widespread cases of ineffective projects which attempted to carry out too many, often unrelated, activities with insufficient funds and scattered the activities over too many children so that the concentration of services was inadequate to improve student achievement level significantly.

I also believe it is important to point out the important requirements spelled out in section 141(a)(12). This requires school districts desiring to take advantage of the part C add-on to—after the first year—develop a comprehensive plan for meeting the specific educational needs of educationally deprived children. Included within the comprehensive plan must be provisions spelling out the specific objectives of the program, provisions assuring the effective use of all funds under title I, and provisions setting forth the criteria and procedures, including objective measures of educational achievements, that will be used to evaluate at least annually the extent to which the objectives of the plan are met.

Mr. President, these are similar to the requirements that are demanded of all dropout prevention programs in this country. I believe the dropout prevention program is demonstrating to the country that it is possible to have accountability in education. Each of the dropout projects must spell out its objectives. Each of the dropout projects is required to have an intensive inhouse evaluation. Each of the dropout projects is subjected to an "educational audit" by an outside organization to make certain that it achieves the objectives that it has established. It is this kind of practical hard-headed, no-nonsense approach that I hope will be employed in the new part C program.

While the new part C program as reported is not precisely as I would like, I do believe that it is a most significant new program which will bring additional and needed assistance to certain districts in dire need of assistance. While I believe that the formula as originally introduced was probably as good as any formula can be, a compromise was necessary if the Urban and Rural Education Act were to be enacted. I was disappointed particularly with the 15-percent limitation adopted by the committee. When the committee enlarged the number of eligible districts by using the 20-percent rural test rather than double the national average, or 31 percent, as in the original measure, the effect was to expand the program. Thus, the adoption of the 15-percent limitation will probably preclude the funding of the full entitlement of eligible districts. This runs contrary to the thrust of the program.

That a crisis exists and that the Urban and Rural Education Act is needed can be seen by the fact that some school districts have been forced to consider closing school or reducing programs.

S. 2625 has been endorsed by educators and education organizations all over the country. Among the groups endorsing it were the National Education Association, the American Federation of Teachers, the National School Board Association, and the Research Council on the Great Cities Program for School Improvement.

In addition, Mr. President, letters urging enactment of the proposal were received from superintendents of schools from all across the country. I am particularly grateful for the strong support given the measure by educators and others from California, including Dr. Max Rafferty, superintendent of public instruction and director of education, Dr. Wilson Riles, director of California's Department of Compensatory Education, Superintendent Jack P. Crowther of Los Angeles, Superintendent Robert E. Jenkins of San Francisco, Acting Superintendent Spencer D. Benbow of Oakland, Assistant Superintendent Bluford F. Minor of San Diego, and Superintendent Ralph W. Hornbeck of Pasadena, and others.

Also, Mr. President, Secretary of Health, Education, and Welfare Robert Finch and Commissioner of Education Allen both eloquently pointed out the importance of dealing with the educational crisis. Secretary Finch told the Education Subcommittee:

> One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made most strenuous efforts to obtain additional resources, and still finding their needs to be far beyond their capabilities. . . .
>
> The core cities contain the highest concentration of the poor and educationally deprived and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities and in rural areas is apparent not only for the sake of poverty's children but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children.

Similar notes of urgency were sounded over and over again in testimony. I believe that a two-pronged attack on the educational deficiencies in both urban and rural America of the new part C program is most desirable. The chamber of commerce in a study, entitled, "Rural Poverty and Regional Progress in Urban Society," also advocated a twin approach. The report said:

> Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education, the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

The Nation is a mobile one. One-half of our population changes and one million youngsters cross State lines yearly. Educational deficiencies in one area, in one State, are not only a handicap for that particular State community, but they also produce problems for other areas. Our cities today offer ample evidence of this truth. I believe it is imperative that additional resources be provided to these urban and rural districts having large numbers or a high concentration of low-income children. The tax bases of all too many of our core cities and rural areas simply do not have the resources to launch the required effort to eliminate or reduce the gross educational inequities between regions and between impoverished urban and rural areas and affluent suburban communities.

Mr. President, I believe that the new part C program is a needed response to the education crisis that exists in school districts having large numbers or high percentages of educationally disadvantaged children, and I believe that the program is essential to the Nation's efforts to provide equal educational opportunities to all citizens. This will not be an easy job, but I am convinced that we can do it.

Mr. President, there has been great discussion in our newspapers and magazies, over our radio and television networks, on the educational crisis that exists. I believe that the Urban and Rural Education Act, which has been incorporated as a new part C to title I, is a needed response to these educational distress signals.

Mr. President, I would like to ask unanimous consent that the letters which I have received from educators and educational organizations supporting this measure be printed in the RECORD. This, of course, is in addition to the text of my statement of July 15, 1969, when I introduced S. 2625, the Urban and Rural Education Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

S. 2625—INTRODUCTION OF THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, I send to the desk a bill, the Urban and Rural Education Act of 1969. The measure would amend title I of the Elementary and Secondary Education Act of 1965 in order to alleviate and help with some of the critical problems that are besetting the field of education.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2625) to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, today I address the Senate and introduce a bill on a most important and vital subject. I am speaking of the educational crisis that exists today in the Nation's big cities and depressed rural areas, where so very many disadvantaged youngsters are concentrated.

Almost daily, from these troubled schools, we pick up educational distress signals—bond issues defeated, cutbacks in educational programs, teacher shortages, classroom vio-

lence, dropouts, lack of discipline, drug problems, and an endless number of concerns that beset our educational system. While there is general agreement that these signals are both real and serious, little response has been made to them. The measure I introduce today, Mr. President, is a sorely needed reply to these insistent educational "S O S" signals. It would amend title I of the Elementary and Secondary Education Act to provide additional assistance to these schools in an effort to rescue them from the fiscal straits they are in and to enable them to compensate for the educational deficiencies of the disadvantaged youngsters found in disproportionate numbers and percentages in these areas.

My bill, the Urban and Rural Education Act of 1969, would authorize a 30-percent addition or "add-on" to regular title I funds for the first year and a 40-percent addition or "add-on" for the second and succeeding years to local education agencies with approval by the State education departments in which:

First, the number of disadvantaged, title I children, is double the national rate of low-income children; or

Second, the number of title I children is 5,000 or more.

Because we are in the midst of an educational crisis, first-year funds will go to local educational agencies without any preconditions. For second and succeeding years, however, my bill requires that the local educational agency develop and secure approval of a plan before receiving funds.

I have written into the amendment some requirements, which I am convinced are necessary. These requirements were framed after discussions with both classroom teachers and educational leaders. I believe they are essential to get maximum use out of limited resources and attain maximum results. First, my amendment requires that these add-on funds be used only at the elementary level. Classroom teachers, who daily struggle with this crisis, tell me that it is difficult at best to rescue youngsters who reach the secondary grades trailing their contemporaries by a number of grades. I do provide, however, for an escape clause which would allow funds to be used at the secondary level, with the approval of the local and State educational agencies, if the problems are equally urgent at the secondary level and if it can be shown that such expenditures are effective at the higher level.

Another important reason for emphasizing the elementary school years is the growing realization of their importance to a child's early development. A recent State of California evaluation of the Headstart program demonstrated that this program in California is producing "Dramatic and positive results." This study found that the children participating in the Headstart program made twice the normal gains in language tests. The report also indicated that IQ scores were raised an average of 17 points over a 17-month period. With this program providing youngsters an equal start, it is important that the elementary grades continue this progress.

Mr. President, I ask unanimous consent that a June 13 article from the Los Angeles Times on the Headstart program be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, a second requirement is that preference must be given to schools having the greatest need within a qualifying district. Scattering of funds too thinly within a district has been a criticism voiced frequently to the use of the title I funds. It is my hope and intent that the elementary level requirement not only will help prevent the necessity for difficult remedial work at the secondary level, but also, when coupled with the preference provision, will result in the concentration of resources so as to achieve a substantial and a maximum impact.

My bill also would provide an additional 3 percent for the first year and 4 percent for subsequent years, to be used at the discretion of the Commissioner of Education. This is to avoid any inequities in the operation of the formula. While I am convinced that my formula is a fair one and will reach the most troubled schools in the country, I have added this amendment so that the Commissioner will have the needed flexibility to respond to schools in districts, not qualifying under my amendment, but nevertheless having similar needs. Mr. President, this bill will provide substantial new resources to school districts. Had my amendment been on the books in the last fiscal year, for example, it would have meant, based on the appropriations for title I, approximately $200 million, and for this fiscal year, based on the administration's title I request, it would mean an additional $220 million, which is badly needed.

In 1961, Dr. James Conant, the noted educator, warned:

"We are allowing social dynamite to accumulate in our large cities."

The accuracy of his warning, the explosiveness of the "social dynamite" has been brought home to all Americans. Much of this "social dynamite" results from those who have dropped out of school. The Commission on Civil Disorders reported that the "typical riot participant was a high school dropout." The fact that 1 million youngsters drop out of school yearly, ill-prepared to find employment and a useful place in our competitive society which demands highly trained and educated citizens has greatly alarmed me and I know this is true of all Senators. As a result, I authored in 1967 a dropout prevention program to the Elementary and Secondary Education Act. This program, which was adopted by the Congress and is now part of our education laws, seeks to concentrate resources in an effort to find approaches that will prevent dropouts. Strongly supported by both the Johnson and the Nixon administrations, this program has great promise and potential in finding long-term solutions to the dropout problem. However, it is just getting underway and only $5 million of the $30 million authorized was appropriated. The administration has requested $23 million for the program for this new fiscal year, and I certainly hope the Congress will fully fund it, because I can think of no area where an expenditure could do a better job in connection with the future of our country.

I am convinced, however, that existing problems of our cities and depressed rural areas are too urgent to await these results. Our 50 large cities alone enroll one out of every four disadvantaged youngsters in the United States. What we have, Mr. President, is an intolerable situation where large numbers of students with significant education handicaps are found in school districts with resources unequal to the challenge of educating them. These youngsters are harder to educate and we simply must provide additional resources if we are to give them an equal educational opportunity. The following facts clearly reveal not only the enormity, but the severity of the educational problems in both our troubled urban and rural schools.

In our urban areas, Mr. President, youngsters from low-income families begin school with a handicap. Standardized test scores given to first graders indicate that minority children, many of whom are in the low-income group, on the average, rank 15 percent lower than other children. Quite obviously they have a much harder job to get started.

Starting behind, these children fall even further behind. The average minority group student is roughly two grades behind other students at grade 6, three grades behind at grade 9 and four grades behind at grade 12.

In our Nation's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. As bad as these statistics are, focusing on poverty area schools within our large cities, it is shocking that 70 percent of the youngsters drop out before completing high school. In California the McCone Commission, established in the wake of the 1965 Watts rioting, found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school.

And in our rural areas:

Youngsters receive less education than their comunterparts in other sections of the country. Children in urban centers average 11 years of school whereas rural regions average about 9 years.

Approximately half of the 415,000 children of migrant parents have been estimated not to attend school on a regular basis.

In 1960 nearly twice as many urban as rural youngsters were enrolled in college.

Rural isolation and inadequate salaries make it difficult to secure trained teachers. As a result, twice as many rural teachers as urban teachers lack proper certification.

A September 1967, Presidential Advisory Commission on Rural Poverty reported:

"There are still about 10,000 one-room schools in this country—mostly in rural America."

Mr. President, nearly two decades ago, the late, esteemed Senator Robert Taft, saw inequities in educational opportunities throughout the country, and reversed his earlier opposition to Federal aid to education and became its strong advocate. Senator Taft then eloquently explained this shift:

"Two years ago I opposed very strongly the proposal which then was made for a general passing out of Federal funds in aid for education; but, in the course of that investigation and that debate, one fact became apparent, namely, that in many States the children were not receiving a basic education; and that some of the states although spending on education as much of a proportion of their income as the larger wealthier States, were not able to provide such basic education . . . It has always seemed to me that education is primarily a state function. I have not changed my views on that subject; but I believe that in the field of education the Federal Government, as in the fields of health, relief, and medical care, has a secondary interest or obligation to see that there is a basic floor under those essential services for all adults and children in the United States. I have particularly felt that the entire basis of American life is opportunity, and that no child can have an equal opportunity unless he has a basic minimum education."

Mr. President, as a nation, we have made substantial educational advances in the past two decades, both qualitatively and quantitatively Sputnik jolted the Nation into enacting the National Defense Education Act of 1958. This was followed by the Elementary and Secondary Education Act, the vocational education amendments, as well as other Federal legislation which, along with a tremendous effort on the part of State governments and local communities, has resulted in more and more people receiving increased and better education.

Yet, education inequities, which so concerned and moved Senator Taft in the late forties, exist today and should, I believe, move Congress to adopt my proposal. Today, the inequities in education are both similar and drastically different than those of

Taft's time. They reflect those very changes that have taken place across our country.

These changes have developed from perhaps one of the greatest internal migrations of people in history. Since World War II, a great exodus of Americans from rural to urban America has occurred. Over 20 million Americans have made that march until now, 70 percent of our citizens live in urban areas containing less than 2 percent of our land.

To produce such a dramatic population shift, obviously many factors were at work. Poor conditions and limited opportunities in rural America sent people to the cities, seeking greater opportunities and better conditions. This push-pull phenomenon often resulted in bringing both the best and the worst of rural America to the city. And, rural America, by this process, was stripped of needed educated and trained manpower and the arrival of the worst into the cities substantially magnified the serious situation that cities find themselves in today. The poorest of the migrants, in tems of training, education, and financial resources, and because of discrimination, have tended to stay in the cities while the best trained and educated, making up a rising middle class, joined in another significant internal migration—the movement of 33 percent of these cities' inhabitants to the suburbs. Today more than half of our metropolitan population lives outside the central city. During the period of 1966–68, an average of 486,000 white Americans left cities. This was almost four times as many as the 141,000 whites who left the cities during the previous 6-year period. Sylvia Porter, the widely syndicated financial columnist commented recently on the consequences to the big cities of this outward migration. She wrote:

"For a high proportion of those moving out of the cities are those in their young to middle financially able and independent years. A high proportion remaining in the cities are the poorer households—households headed by women or older citizens, households with a lot of children, broken families. There are the people most dependent on welfare, the people who can least afford to pay the taxes to finance the cost of essential public services. No sign of reversal in these new population trends is in sight. The financial outlook for our cities has never been bleaker."

In addition to the migration from cities of such citizens, industry, with its tax base and jobs, both of which are desperately needed by core city citizens, has also been moving out. Mr. Alan K. Campbell, in the January 11, 1969, edition of Saturday Review traced this industry decentralization trend, saying:

"An examination of the central cities of twelve large metropolitan areas demonstrates that the proportion of manufacturing compared to that of suburban areas has clearly declined over the past three decades, especially in the post-World War II period. In 1929, these twelve cities accounted, on the average, for 66 per cent of manufacturing employment. This percentage decreased to 61 per cent by 1947, dropped to 49 per cent by 1958, and has since declined even further."

New jobs being created in the suburban areas, because of transportation problems, are often out of reach of the poor people from the central city.

Mr. President, it is not that our troubled cities and impoverished rural areas have not been trying. Although running as fast as they can, they slip farther and farther behind. With its financially better-off individuals and industry moving to the suburban areas, the tax base of the cities has seriously eroded. Mr. Alan K. Campbell described the meaning of this tax base loss to city education programs, and I quote:

"Translated into education terms, the tax base in large cities has not kept pace with the most recent growth and changing nature of the school population in the cities. Indeed, an examination of the per pupil taxable assessed evaluation over a five-year period shows that ten large cities out of fourteen experienced a decrease in this source of revenue. Since local property taxes are the major source of local education revenues, large cities can barely meet ordinary education needs, let alone resolve problems, resulting from shifting their population patterns."

The tax base of impoverished rural areas is equally distressing.

Mr. President, the population pattern shifts which we have been discussing have produced great changes in our society, changes we must appreciate, changes we must understand, if we are to deal with the crisis confronting us.

It is useful to recall that there was not always such a dilemma in our cities. On the contrary, from almost the beginning of the free public school education, cities with their concentration of wealth and talents were in the forefront of the Nation in education. The large cities had higher per pupil expenditures than outlying school districts. Their better education programs were an additional attraction to the cities. Around 1949, which is about the period Senator Taft was urging financial assistance to remove educational inequities, many large cities began to show a decline in the educational expenditures relative to their previous levels and with few exceptions relative to the national norm.

By 1965–66, only New York City of the top 36 cities in the Nation could boast of a per pupil expenditure significantly higher than the national norm. Economist Seymour Sacks, professor of economics at Syracuse University, traces the deterioration of the central city's favored financial position as follows:

"It would not be amiss, however, to state that the period from about 1957 to the present witnessed the most fundamental shift in the fiscal position of large city educational systems in U.S. history. For as late as 1957 central cities were still able to spend slightly more than their own outside central city areas. Based on a representative cross-sectional study of 36 Standard Metropolitan Statistical Areas in the year 1957, the comparable current expenditures per pupil for the two areas were $312 in the central cities and $303 in the outside central city areas. In a short five-year period, that is by 1962, a gap of $64 had opened up between the current expenditures per pupil in the outside central city area and the central city areas, $438 compared to $376. In this short period the historic preeminence of central city education had vanished. And within three more years the gap had widened to $124 per pupil, $573 per pupil as compared to $449 per pupil. With only two exceptions, whatever per pupil expenditures in a given central city area were, those of its outlying areas were higher. In only two areas, Denver and Providence, R.I., were central city expenditures higher than those of their outlying areas, and they were nominal amounts. In two areas the same school districts provided public school education to both the central city and outside central city areas. In the remaining 32 areas the outside areas had higher levels than those of their central city areas. A clear pattern of dominance had been established."

Thus, from 1957, when the central city enjoyed a slight edge in per pupil expenditures, its educational system, compared to the school system outside the city, steadily deteriorated. By 1965, in the 37 largest metropolitan areas, the average per pupil expenditure was $449 for the central city but $573 for the suburbs—a gap of $124. All indications are that this expenditure gap, already wide, is growing dramatically.

Mr. President, also entering the picture and compounding the fiscal crisis of our cities are the noneducation services and demands which confront them. Our cities have monumental problems beside education. Air and water pollution, rising crime rates, transportation snarls, and housing are just a few. That noneducation costs are a greater burden to the city is demonstrated by the fact that noneducational expenditures make up 68 percent of the total public expenditures in the Nation's 37 largest central cities, as compared to only 47 percent in the suburban districts. This excessive demand for services, or what one author has called municipal overburden, on education in our cities has been described by the Fels Institute as follows:

"The high cost of municipal services which produce much higher total tax burden on the urban districts significantly reduces the ability of the urban districts to provide fiscal support for education services."

In addition, Mr. President, State equalization formulas have not kept pace with the population movements and financial needs of the various districts within the States. Earlier in our history, the city's wealth was tapped to equalize educational opportunities in less affluent areas. Now that the situation is reversed and the cities are in desperate need of financial help, States must reexamine their allocation formulas in light of these changing circumstances. Mr. Alan Campbell describes the State equalization formulas, saying:

"The shocker, however, is that state aid to schools, which one might think would be designed to redress the imbalance somewhat, discriminates against the cities. On the average, the suburbs receive $40 more in state aid than the cities."

Governor Reagan, of California, is well aware of the failure to properly match resources and need. In a May 11, 1969, report to the people of the State, he said:

"There is widespread agreement that we must overhaul the tax structure used to finance our public school system. The existing financing program for elementary and secondary schools in California does not provide equal education opportunities for all children in the state. Elementary school district expenditures, for example, range from as little as $289 per ADA—this means per average daily attendance, or $289 per student—all the way up to $2,662 per student per ADA in some school districts. Some low-wealth districts struggle under intolerable property tax burden, while some high-wealth districts are not so heavily burdened."

There is definitely an imbalance there that needs attention.

My good friend, Governor Reagan also made an innovative proposal to correct these traditions. Certainly he is to be commended for his efforts to right this mismatch of need and resources.

The picture that has emerged from the discussion so far is not a pleasant nor a pretty one. We have traced the great migrations that have taken place in our country. We saw that both the best and the worst of the rural areas poured into the cities. We examined a subsequent exodus from the city to the suburban community by a growing middle class with its higher income and by industry with its important tax base. This has left a high concentration of disadvantaged children with pressing educational needs in our core cities and rural areas which simply do not have adequate resources to cope with the situation.

Mr. President, inadequate fiscal resources are a chronic complaint and concern at all levels of government. But in the case of our central cities their fiscal condition is acute. It is a tribute to our cities, given so many priorities, that they have been able to keep fiscally afloat. But tribute is not enough. We must provide help.

Mr. President, the urgency of responding to the education crisis can be shown by the fact that during an April meeting of the National School Board Associations, as many as

30 of the largest cities indicated they may not have enough money to begin school this coming fall year. I understand, however, that this is unlikely and that they will all open, but what will happen is what is happening in my city of Los Angeles, where needed programs will have to be curtailed or reduced. In a June 19 letter, Dr. Jack Crowther, superintendent of schools, Los Angeles, described the Los Angeles situation to me.

May I say I have had the privilege of knowing Dr. Crowther for a long time. I do not think there is a finer educator or superintendent of schools in this great land of ours. He said:

"The financial crisis of education in large cities has received national attention this past year. The situation in Los Angeles is particularly acute as we find ourselves $27 million short for the fiscal year 1969–70. The resulting cuts have seriously affected the quality of our educational program."

Secretary Finch, in testimony before the Senate Education Subcommittee, discussed this problem as follows:

"One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the 'Youngstown's phenomenon'—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles, and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made the most strenuous efforts to attain additional resources, and still finding their needs to be far beyond their capabilities."

The Secretary went on to discuss the educational crisis in the cities, saying:

"The core cities contain the highest concentration of the poor and educationally deprived, and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities, and in rural areas is apparent not only for the sake of poverty's children, but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children."

Thus, Mr. President, one of the greatest concerns and priorities of our most capable Secretary of Health, Education, and Welfare is a search for programs to meet the rural-urban educational crisis.

Commissioner of Education, James Allen, in discussing this school crisis said:

"The urban crises in education . . . has shaken society at its very roots. The situation is one which emphasizes a need for bold action at the federal level and there is no problem of higher priority or greater urgency and importance in determining what direction and form this action shall take."

Commissioner Allen has therefore echoed the deep concern of Secretary Finch for help to our troubled cities.

Dr. George Fisher of the National Education Association, in testimony before the Education Committee, emphasized the urban crisis and suggested an approach similar to that which I am making today. He said:

"The major problem facing America's public schools today lies in our inner-city areas . . . We suggest a 30 percent override on the appropriation proposed by the Administration with such funds to go to those cities with large centers. . . ."

A similar plea was sounded by Boardman Moore, a Californian and president of the National School Board Association, who told the committee:

"Core cities contain the highest concentration of the poor and educationally deprived. There is a dire necessity for providing compensatory education for the children from these backgrounds. Programs aimed at upgrading these educational opportunities are both expensive and are in addition to the regular educational system. At the same time, the tax base of these cities has been eroded. Medium and high-income families have moved from the cities, more and more industry is decentralizing its operation. On top of this, the cost of providing necessary city services, often called municipal overburden, is rising."

So, Mr. President, over and over again in testimony before the Senate Education Subcommittee, and in our communications media, the crisis in the cities and rural areas has been retold. Time is running out, however, and I agree with Secretary Finch, Commissioner Allen, the NEA, the National School Board, Governor Reagan, and so many others that we must indeed take "bold action." It is for that reason that I am proposing this bill today.

Mr. President, I am convinced that a new effort is needed to deal with the massive, critical educational problems. Why did I elect a two-prong attack targeted where the need is the greatest—in our core cities and our depressed rural areas? It is no secret that much of the educational problems in our cities today had their roots in rural America. With the mobility of our present population, which sees one-fifth of our citizens change their homes and approximately one million youngsters cross State lines annually, educational deficiencies in one area of the country produce problems in another area. We truly are a mobile people—a nation on the move. My State of California is aware of this mobility as much as any State, for enough people enter California each month to create a town of 30,000 citizens. Mr. President, the Chamber of Commerce of the United States, in a study entitled, "Rural Poverty and Regional Progress in Urban Society," urged a twin approach to eradicate "gross educational inequities between regions and between impoverished rural and urban areas and affluent suburban communities," emphasizing:

"It is unrealistic to expect the eroding tax base of many of our core cities and rural areas to supply the additional money."

Continuing, the chamber's report reasoned:

"Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents."

Mr. President, in 7 short years, this Nation will commemorate its 200th birthday. I know of no greater way of honoring this anniversary of the signing of our Declaration of Independence than by an effort to equal what Dr. Wilson Riles of the California State Department of Education, called "American education's most challenging problem in the latter half of the 20th century."

He said:

"The top priority issue facing the city schools and in fact facing all education is how to improve the school achievement of the children of the poor, disadvantaged groups that have in the past failed to receive the full benefits of American education."

Let us recognize that this has not always been the case. In the fifties, we were concerned over how many made it to college, and following sputnik, over the quality and quantity of our engineering and scientific talent. Our school systems served the country well during this period.

It was not until the sixties that we began to really concern ourselves with the challenge of adequately educating youngsters coming from disadvantaged backgrounds. Many forces converged to bring their education problems to the forefront. Education, always important because of the technical nature of our society which needed skilled and educated manpower, became a necessity. A high school diploma became a passport to employment. In addition, the country set out to reduce poverty and the country was determined to move more minority citizens into society's mainstream.

Providing equal education opportunities to all children, regardless of their background and place of birth, is a necessary challenge to a Nation whose very history is one challenging chapter after another. Those who doubt we will be equal to this challenge might reread the history of the signers of the Declaration of Independence and those who followed them through the pages of history. For those who doubt we can do it, they had better reexamine the fact that our national response to sputnik will place a man—two men, really—on the moon ahead of our competitors. My amendment is in response to the city and rural school crisis—a challenge more difficult and as exciting as the moon race, and there are some who think it may be even more productive. My amendment will help us meet the challenge of providing truly equal educational opportunities to all disadvantaged citizens. As a member of the Education Subcommittee of the Senate, I will do everything I can to see that this program, which I consider to be most worthy and most vital, is enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

"S. 2625

"A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies

"Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Urban and Rural Education Act of 1969'.

"SEC. 2. Title I of the Elementary and Secondary Education Act of 1965 is amended (1) by redesignating part C, and all references thereto, as part D, (2) by redesignating sections 131 through 136, and all references thereto, as sections 141 through 146, and (3) by inserting before such part a new part as follows:

"'PART C—URBAN AND RURAL EDUCATION GRANTS

"'SEC. 131. (a)(1) For each fiscal year beginning after June 30, 1969, for which payments are made pursuant to part A, a payment shall be made to each State educational agency for a grant to each local educational agency in such State in which—

"'(A) the per centum which the total number of children described in clause (A), (B), or (C), of section 103(a)(2) of this title in the school district of such agency for such year bears to the total enrollment in the schools of such agency for such year is greater than the two times the average such per centum for all local educational agencies in all the States; or

"'(B) the total number of such children in the school district of such agency in such year is five thousand or more.

"'For the fiscal year ending June 30, 1970,

such grant shall be in the amount of 30 per centum of the amount which such local educational agency is eligible to receive for such year pursuant to part A of this title, and for each succeeding fiscal year such grant shall be in the amount of 40 per centum of the amount which such agency is eligible to receive pursuant to part A.

"'(2) For each such fiscal year the Commissioner may also make payments to State educational agencies for grants to loacl educational agencies which do not qualify pursuant to paragraph (1) but notwithstanding have an urgent need for grants pursuant to this part. The total such payments for the fiscal year ending June 30, 1970, may be in an amount not in excess of 3 per centum of the total authorized payments for such year under paragraph (1), and for each succeeding fiscal year, the total such payments may be in an amount not in excess of 4 per centum of the total authorized payments for such year under paragraph (1).

"'(b) Grants pursuant to this section shall be used for the same purposes as grants pursuant to part A, but for elementary education only, unless the local educational agency and its State educational agency determine—

"'(1) that the need for financial assistance for such purposes is as urgent in the secondary schools of the area; and

"'(2) that the use of financial assistance pursuant to this part for secondary education will be as effective for the purposes of this title as the use of such assistance for elementary education;

and in such event such grants may also be used for secondary education. Preference in the use of such grants shall be given to schools with the greatest number of children described in clause (A), (B), or (C) of section 103(a)(2) of this title and to schools with the greatest percentage of such children in the enrollment.

"'(c)(1) The provisions of sections 105, 106, and 107 (except subsection (b)) with respect to applications, assurances from States, and payments for the purposes of part A shall apply to applications, assurances from States, and payments for the purposes of this part, and the Commissioner may establish such additional requirements as may be necessary for the purposes of this part.

"'(2) In addition to the requirements of paragraph (1), for the fiscal year ending June 30, 1971, and each succeeding fiscal year, each local educational agency applying for a grant pursuant to this part shall submit with the application for such grant a plan, approved by the State educational agency, for the use of such grant.

"'(d) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section.'

"SEC. 3. Section 107(b) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'under this part' and inserting in lieu thereof 'under this title.'

"SEC. 4. Sections 132 and 133(a) of title I of the Elementary and Secondary Education Act of 1965 are each amended by striking out 'or 121(b)' and inserting in lieu thereof '121(b) or 131(c)'.

"EXHIBIT 2

"[From the Los Angeles (Calif.) Times, June 13, 1969]

"STATE'S VERSION 'OF PROGRAM: CHILDREN MAKE STRONG GAINS IN HEADSTART, STUDY CLAIMS

"(By Jack McCurdy)

"SACRAMENTO.—Children in California's version of the Head Start program made twice the normal gains on language tests after almost a year in the classes, the first evaluation of the project showed Thursday.

"They averaged a growth of 14 months in reading ability over a seven-month period, the study indicated.

"The evaluation, presented to the State Board of Education, reflects the most dramatic improvement in pupils' achievement of any state program in the nation, state officials said.

"The findings are in sharp contrast with conclusions from a widely publicized study of the National Head Start program reported several months ago by Westinghouse Learning Corp.

"It indicated that children involved in Head Start summer classes in 1966 had received little benefit from the instruction.

"However, California's program is producing 'dramatic and positive results,' Mrs. Jeanada Nolan, head of the state's preschool program, told the board.

"The study of California's preschool classes, she said, is the first since the program began in 1965. It was recommended by the Legislature two years ago and launched last fall.

"About 1,550 children, representing approximately 10% of the youngsters enrolled in the state program, were tested last October and last May in an attempt to measure any changes in their achievement level over the seven-month span.

"The pupils were located in Los Angeles, the San Francisco Bay area, other parts of Northern California and the San Joaquin Valley. All major racial and ethnic groups were included, she added.

"The Peabody Picture Vocabulary test, a widely used test to assess the intellectual status of very young children, was used.

"The test is reliable, and the children involved were carefully drawn to fairly represent a cross section of the preschool pupils, the report said.

"As a result, it added, 'it can be safely concluded that the increase (in achievement) can be attributed to the effects of the preschool educational program.'

"The report also indicated that the children who were tested raised their IQs (intelligence quotients) an average of 17 points over the seven-month period.

"On the first test, their average IQ was 88. By the May test, it had risen to 105.

"In another analysis of the test scores, the study showed that the average growth in 'mental age' of the pupils totaled 16 months over the seven-month period.

"This was arrived at by averaging the tested mental age of the pupils in October and May and then comparing them.

"They averaged three years, nine months in October when their actual age averaged 4 years, three months.

"In May, they averaged 5 years, 1 month in mental age, and in actual age they had remained an average of 4 years, 10 months.

"This analysis showed that after seven months in the classes, their mental age as reflected on the test had exceeded their actual age by three months—making them above-average age in language ability.

"Max Rafferty, state superintendent of public instruction, told the board that despite what the Westinghouse study showed, 'Head Start did make a difference in California.'

"Mrs. Nolan challenged the validity of the Westinghouse study, pointing out that the children who were tested only were involved in about eight weeks of Head Start classes.

"She said no pretests were used and that when the children were tested, about two years had elapsed since they had been in Head Start classes.

"The study was based on a comparison of their test scores with those of children who had not been in the program, showing little difference."

OAKLAND PUBLIC SCHOOLS,
Oakland, Calif., August 13, 1969.

Hon. GEORGE MURPHY,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MURPHY: I have read with much interest and appreciation your address to the Senate on July 15, 1969, on the occasion of the introduction of the Urban and Rural Education Act of 1969.

You have most ably described the background and the urgency of the need and there is little that I can add except to say that your description of the nation's troubled urban school systems is a very exact description of Oakland's school system.

Superficially, one might say that a city such as Oakland should be able to help itself more effectively, but that time has passed. The very same conditions which have brought the schools to crisis have pretty well paralyzed the will of the community to help.

The citizens of Oakland are deeply divided in many ways and much of this seems to be centered on what to do with the schools. This situation has effectively defeated all efforts to raise locally the money that is necessary to rehabilitate the school program and to provide the highly specialized and expensive help needed for our very large number of disadvantaged children.

The state legislature has been unable to provide the help for the urban areas which almost everyone admits is needed.

I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer but little hope for improvement.

Please be assured that we deeply appreciate your efforts on our behalf and will do all we can in support.

Respectfully yours,

SPENCER D. BENBOW,
Acting Superintendent.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT, OFFICE OF THE SUPERINTENDENT,
San Francisco, Calif., September 10, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: I have just completed reading the text of the Congressional Record for Tuesday, July 15, 1969. It was very interesting to see how closely our thinking is related to the whole matter of urban education and possible solutions.

I am in complete agreement with the suggestions which are made by you in your introduction to the Urban and Rural Education Act of 1969.

I am sure that you are aware that not only in our city, but throughout the State of California, the present Title I ESEA funds are being used as suggested in your Bill. The major problem, however, is that adequate funds have not been provided by Congress to follow through on the fine suggestions which have been made.

I hope that you will seek the support of other Congressional members so that your ideas can become reality. I shall call this to the attention of other school people to encourage their support of your action.

Sincerely,

ROBERT E. JENKINS,
Superintendent of Schools.

LOS ANGELES CITY BOARD OF EDUCATION,
Los Angeles, Calif., August 15, 1969.

Hon. GEORGE MURPHY,
Senator, State of California, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR GEORGE: Thank you for your letter of July 22, 1969 and the accompanying material on your Urban and Rural Education

Act of 1969. You may count on our enthusiastic support of this measure.

If it should be your desire to have us appear to testify in support of the bill, we would appreciate it if your office could inform us as early as possible in advance so that we can be adequately prepared both in terms of available staff and supportive materials.

In light of the fact that the California Legislature apparently intends not only to limit additional state school aid to what approximates a cost-of-living adjustment and to restore the ceilings on local property taxes for school support, your bill offers the only hope we have at this time of obtaining additional funds to enable this school district to deal with the mounting educational problems that are so well described in your excellent statement.

Please accept my sincere thanks and appreciation for sponsoring this much needed legislation. We stand ready to assist you in any way we can to obtain congressional approval.

With best wishes, I am,

Sincerely,

JACK P. CROWTHER,
Superintendent of Schools.

SAN DIEGO CITY SCHOOLS,
San Diego, Calif., September 10, 1969.

Hon. GEORGE MURPHY,
Old Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MURPHY: This is a delayed response to your request for reactions to your proposed Urban and Rural Education Act of 1969.

Dr. Jack Hornback, superintendent, and appropriate staff members have carefully reviewed the proposal. The significant result is quoted, as follows: "There was general consensus that we should lend full support to this Act, but that whenever appropriate, emphasize that we hope the escape clause would be retained to allow local educational agencies discretion in making adjustments in secondary programs as appropriate to local needs."

Thank you for the opportunity to review this important proposal.

Sincerely,

BLUFORD F. MINOR,
Assistant Superintendent.

PASADENA UNIFIED SCHOOL DISTRICT,
Pasadena, Calif., August 8, 1969.

Mr. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR MR. MURPHY: I want to congratulate you and express the deep gratitude of one of the school districts in your home state for introducing the Urban and Rural Education Act of 1969. I have perused this act carefully, and find it a strong positive measure to deal with the educational crisis in urban and rural America.

Our school district has had to cut drastically into its educational program because of inadequate funding. An example was the recent reluctant but necessary move of our Board of Education to reduce the number of periods available to students in our senior high schools from six to five.

I find in the Urban and Rural Education Act of 1969, a strong base for financial support, and an emphasis in concentrating funds at the elementary level and in schools having the greatest need.

I wish you success in your endeavor to see that this important piece of legislation is enacted into law.

Sincerely,

RALPH W. HORNBECK,
Superintendent of Schools.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., August 4, 1969.

Hon. GEORGE MURPHY,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you very much for sending me the Congressional Record of Tuesday, July 15, with the text of your Urban and Rural Education Act of 1969.

You have certainly identified the urgent needs of our urban school districts and made it clear that we cannot afford further delay in meeting them. I hope that the Senate will support your bill, and I will certainly do all that I possibly can to urge prompt and favorable action on it.

Sincerely,

MAX RAFFERTY.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a brief morning hour tomorrow.

AUTHORIZATION FOR COMMITTEES TO MEET DURING SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry may be permitted to meet on tomorrow during the session of the Senate, because they have witnesses coming in from all over the country; and also that the Subcommittee on Tactical Air Power of the Armed Services Committee be authorized to meet during the session of the Senate on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 18, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 1970:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. John W. Carpenter III, [redacted]FR (major general, Regular Air Force) U.S. Air Force

IN THE NAVY

Having designated Rear Adm. Frederick H. Schneider, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, February 17, 1970*

The House met at 12 o'clock noon.

Rabbi Robert S. Widom, Temple Emanuel, Great Neck, N.Y., offered the following prayer:

Lord of the universe, we ask Thee this day for fresh inspiration and new perspective.

In a world haunted by the skeletons and ghosts of a shattering war past and present, and in the throes of fear of massive destructive forces held back only by a thin leash, we ask Thee for wisdom and knowledge that we may learn somehow to construct the essential foundation for an enduring peace. Make us to realize that lasting world peace requires the implementation of such positive elements as equality, security, and justice for every man everywhere. Bless our country that it may become more and more a stronghold of equality, security, and justice.

Enlighten with Thy wisdom the President of our land, his counselors, advisers, and lawmakers, and all those who have accepted the trust and accompanying burdens of high office in order to make and keep our country secure and sound.

Bless, O Lord, their efforts and the efforts of all who labor to advance the frontiers of mutual understanding here in our land and everywhere, who strive to push the walls of darkness back in the faith that it is Thou who art the giver of light. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE LATE HONORABLE THADDEUS MICHAEL MACHROWICZ

(Mr. NEDZI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEDZI. Mr. Speaker, I take this time for the purpose of announcing to the House, with great sadness, the passing of a dear friend, a wise counselor and a former colleague of many of the Members of the House of Representatives, Federal District Justice Thaddeus Machrowicz, previously Congressman Machrowicz.

Judge Machrowicz was my predecessor in office, and I would like to take this opportunity to extend my condolences and those of my wife, Peggy, to his wife, Sophie, and their two fine sons.

Mr. Speaker, in the very near future I will ask for a special order in order that Members may appropriately memorialize Judge Machrowicz.

PASSAGE OF CONGRESSIONAL REFORM LEGISLATION ESSENTIAL

(Mr. STEIGER of Wisconsin asked and was given permission to address the